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# ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: XXVIII

DATE: Wednesday, July 13th, 1988

BEFORE:  
M. I. JEFFERY, Q.C., Chairman

E. MARTEL, Member

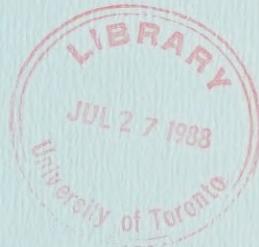
A. KOVEN, Member

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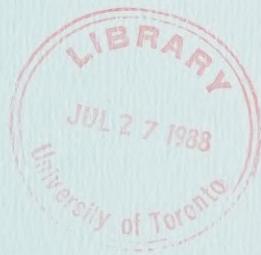
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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL  
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR  
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental  
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental  
Assessment for Timber Management on Crown  
Lands in Ontario;

- and -

IN THE MATTER of an Order-in-Council  
(O.C. 2449/87) authorizing the  
Environmental Assessment Board to  
administer a funding program, in  
connection with the environmental  
assessment hearing with respect to the  
Timber Management Class  
Environmental Assessment, and to  
distribute funds to qualified  
participants.

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Hearing held at the Ramada Prince Arthur  
Hotel, 17 North Cumberland St., Thunder  
Bay, Ontario, on Wednesday, July 13th, 1988,  
commencing at 8:30 a.m.

-----  
VOLUME XXVIII

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member



(i)

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	MINISTRY OF NATURAL
MS. C. BLASTORAH )	RESOURCES
MS. K. MURPHY )	
MR. B. CAMPBELL )	MINISTRY OF ENVIRONMENT
MS. J. SEABORN )	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN )	ASSOCIATION and ONTARIO
MS. E. CRONK )	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY )	ASSOCIATION
MR. J. WILLIAMS, Q.C.	ONTARIO FEDERATION OF ANGLERS & HUNTERS
MR. D. HUNTER	NISHNAWBE-ASKI NATION and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK )	FORESTS FOR TOMORROW
MR. R. LINDGREN )	
MR. P. SANFORD )	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
MR. D. WOOD )	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF LABOUR
MR. R. COTTON	BOISE CASCADE OF CANADA LTD.
MR. Y. GERVAIS)	
MR. R. BARNEs )	ONTARIO TRAPPERS ASSOCIATION
MR. R. EDWARDS )	
MR. B. MCKERCHER)	NORTHERN ONTARIO TOURIST OUTFITTERS ASSOCIATION
MR. L. GREENSPOON)	
MS. B. LLOYD )	NORTHWATCH



APPEARANCES: (Cont'd)

MR. J.W. ERICKSON, Q.C.)	RED LAKE-EAR FALLS JOINT MUNICIPAL COMMITTEE
MR. B. BABCOCK )	
MR. D. SCOTT )	NORTHWESTERN ONTARIO ASSOCIATED CHAMBERS OF COMMERCE
MR. J.S. TAYLOR )	
MR. J.W. HARBELL)	GREAT LAKES FOREST PRODUCTS
MR. S.M. MAKUCH )	
MR. J. EBBS	ONTARIO PROFESSIONAL FORESTERS ASSOCIATION
MR. D. KING	VENTURE TOURISM ASSOCIATION OF ONTARIO
MR. D. COLBORNE	GRAND COUNCIL TREATY #3
MR. R. REILLY	ONTARIO METIS & ABORIGINAL ASSOCIATION
MR. H. GRAHAM	CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN	DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC	MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES	ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI	BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY
MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON



(iii)

APPEARANCES: (Cont'd)

MR. C. BRUNETTA

NORTHWESTERN ONTARIO  
TOURISM ASSOCIATION



I N D E X   O F   P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>JOHN EDWARD OSBORN,</u> <u>KENNETH A. ARMSON, Resumed</u>	4678
Re-Direct Examination by Mr. Freidin	4678
<u>ITINERARY</u>	
Re: Site Visit (July 18-22)	4737



(v)

I N D E X   O F   E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
134	Excerpt of text from Davis, 1987, page 539 (Exhibit 106).	4690



1           ---Upon commencing at 8:53 a.m.

2           THE CHAIRMAN: Good morning, ladies and  
3 gentlemen. Please be seated.

4           The Board apologizes for the delay in  
5 starting this morning, we just wanted to sort a few  
6 things out amongst ourselves concerning the site visit.

7           Before we commence with the Ministry's  
8 re-examination, Mr. Castrilli, we are going to deal  
9 just at the outset with this document produced by Mr.  
10 Freidin with respect to the undertaking given by him  
11 for the production of certain data.

12           MR. CASTRILLI: Yes, Mr. Chairman.

13           Mr. Freidin and I had a brief discussion  
14 just before the Board arrived this morning and what we  
15 were in the process of doing was sorting out the  
16 differences between my understanding, the transcripts,  
17 and his. We hadn't quite finished that by the time the  
18 Board arrived.

19           I think with the Board's indulgence we  
20 would ask that at one of the breaks this morning Mr.  
21 Freidin and I intend to sort that out and state on the  
22 record what our understanding of what the three  
23 undertakings are.

24           THE CHAIRMAN: Very well.

25           MR. CASTRILLI: Thank you.

1                           THE CHAIRMAN: Mr. Freidin, do you want  
2 to commence?

3                           MS. BLASTORAH: Mr. Chairman, just before  
4 we begin I just have a couple of housekeeping things.

5                           I have two more copies of Exhibit 133  
6 which was filed yesterday for the Board. That is the  
7 Operational Survey, Instructions for Recording  
8 Procedures.

9                           THE CHAIRMAN: Thank you.

10                          MS. BLASTORAH: And, secondly, I am  
11 advised that the answers for undertakings on Panel 2  
12 have now been delivered. Unfortunately, the Board's  
13 copy was delivered, I believe, directly to Mr. Mander  
14 so I don't have one to hand you here this morning, but  
15 I understand it is in the Board's hands.

16                          THE CHAIRMAN: Okay.

17                          MS. BLASTORAH: And it has also been  
18 delivered to Mr. Castrilli in that brown envelope.

19                          Thank you.

20                          THE CHAIRMAN: Thank you.

21                          JOHN EDWARD OSBORN,  
22                          KENNETH A. ARMSON, Resumed

23                          RE-DIRECT EXAMINATION BY MR. FREIDIN:

24                          Q. Mr. Armson, will you turn to page 33  
25 of the witness statement.

1                   MR. ARMSON: A. Yes.

2                   Q. And you will note in paragraph 61 to  
3     63 there is a discussion of the forest resources  
4     inventory and, in particular, how the information  
5     therein may be supplemented?

6                   A. Yes.

7                   Q. And in relation to those paragraphs  
8     and that topic, you were asked by Mr. Castrilli -- I am  
9     sorry, Mr. Osborn was asked by Mr. Castrilli whether in  
10    fact in relation to paragraph 63, which said:

11                  "The decision whether any of this  
12                 additional information is required or  
13                 practical is made by the forest manager."

14                  Dr. Osborn was asked and he said he  
15                 couldn't provide the answer to who actually was the  
16                 forest manager who would make the decision to obtain  
17                 the supplementary information.

18                  And I am just wondering whether you can  
19                 be of any assistance in relation to that for each of  
20                 the three types of management units?

21                  A. Well, on the Crown management units  
22                 and on the company licence areas, that would be the  
23                 Ministry forester, the unit forester who was  
24                 responsible for the activities taking place on that  
25                 area.

1                   Now, on the forest management agreement  
2         areas it would be the company forester or foresters  
3         usually, and almost invariably, working in terms of  
4         discussion with Ministry foresters, one of whom would  
5         be the Crown representative.

6                   But, from my own experience, much of the  
7         discussion also takes place with Ministry staff who are  
8         part of the technology development unit that exist in  
9         the province and one is located in the area of the  
10      undertaking. One has been in existence for a few years  
11      in Timmins; the second one is located here servicing  
12      the northcentral and northwestern regions, and the  
13      third one under initial development in North Bay.

14                  The staff of these units bring to both  
15      Ministry and industry foresters information and  
16      provide, through workshops and other mechanisms,  
17      additional information, and I could go on and explain  
18      what some of that is, but that's one of the major  
19      mechanisms.

20                  Q. Are you able to indicate who has the  
21      ultimate decision -- who does make the decision whether  
22      in fact there is going to be supplementary information  
23      obtained?

24                  Leaving aside all the discussions that  
25      may take place on the Crown management unit, are you

1       able to identify one person who would be, as referred  
2       to here, the forester manager who would make that  
3       decision?

4                     A. The forest manager responsible for  
5       preparing the management plan, whether it be the Crown  
6       or the FMA holder, it would be the individual who would  
7       be responsible in that sense.

8                     Q. All right. And in the case of a  
9       Crown management unit, who is that?

10                  A. That is the unit forester.

11                  Q. In the case of a company management  
12       unit, who is that?

13                  A. That would be the forester of the  
14       company responsible for preparing the plan.

15                  Q. And for a forest management agreement  
16       management unit, who would that be?

17                  A. For a forest management agreement  
18       area, the company forester would have the ultimate  
19       responsibility for the preparation. The approval, of  
20       course, of the plan is the Ministry's.

21                  Q. Thank you.

22                  MR. MARTEL: Could you back up for  
23       moment. Did you not say with the second one, which was  
24       a Crown licence -- or company licence, did you not just  
25       say it would be the company forester?

1                   MR. ARMSON: No, I am sorry, that would  
2                   be the Ministry forester.

3                   MR. MARTEL: Yes.

4                   MR. ARMSON: I am sorry, I correct that.

5                   MR. FREIDIN: Q. On a company management  
6                   unit?

7                   MR. ARMSON: A. On a company management  
8                   unit it would be the Ministry forester responsible for  
9                   the activity on that unit.

10                  Q. Dr. Osborn, you were asked a series  
11                  of questions by Mr. Castrilli about optimization and  
12                  cause/effect relationships between timber management  
13                  activities and non-timber values. In fact, perhaps I  
14                  am going to direct this question to you, Mr. Armson.

15                  There was that discussion about  
16                  optimization and cause/effect relationships between  
17                  timber management activities and non-timber values.

18                  And, if I may refer to the transcript of  
19                  July the 5th, 1988 at Volume XXIII, pages 4054 to 4055,  
20                  Dr. Osborn read from the Baskerville Report the  
21                  following passage:

22                  "Thus on both grounds it is safe to say  
23                  that an optimum mix of benefits is not  
24                  being achieved. The major problems here  
25                  are; first, because the non-timber values

10 Dr. Osborn was asked whether he concurred  
11 with that statement and he said that he did.

12 And my question to you, Mr. Armson: Is  
13 the Ministry of Natural Resources doing anything--

14 A. Yes...

15 Q. --or has it done anything since the  
16 Baskerville Report to address what was referred to as -  
17 and I am quoting - "the absence of measurable  
18 cause/effect relationships between timber management  
19 activities and non-timber values"?

20                           A. Yes, it has done something very  
21 specifically. One of the actions in the action plan  
22 addressed that, and I believe in Panel 2 I referred to  
23 that, but it was the employment of a consultant to  
24 arrange initially for a series of workshops, bringing  
25 together interested parties from the non-timber value

1       areas, if you like; the areas of wildlife, fisheries,  
2       the environment and so on and with representatives from  
3       what we will call the timber interest, both the  
4       Ministry and industry, and a series of workshops.

5                     And from that has come a report which I  
6       believe is available, and from that report a series of  
7       planned actions are being developed.

8                     Q. And is that Action No. 10 of the  
9       action plan?

10                  A. That, I believe, is correct.

11                  Q. And is that particular action then  
12       described in Exhibit 58 at page 6 which in fact was a  
13       document that you prepared dated June the 3rd, 1988?

14                  A. Yes, that is correct.

15                  Q. The work of that group of people will  
16       be the subject matter of evidence in Panel No. 8; is  
17       that correct?

18                  A. Yes.

19                  Q. Thank you. Dr. Osborn, you had  
20       quoted to you the passages about sustained yield from a  
21       number of texts, one of them was Exhibit 106 which was  
22       the text by L. Davis.

23                  And if I can refer you to page 4063 of  
24       the transcript, I am going to read to you, starting on  
25       line 21, going to page 4064, line 14.

1                   Perhaps you can get a copy of that  
2 exhibit, Exhibit 106. Do you have that?

3                   DR. OSBORN: A. Yes.

4                   Q. If you turn to page 41 you will see  
5 that the last sentence in that paragraph that started  
6 on page 40 you were actually asked to read the last  
7 sentence which says:

8                   "In general, the maximum that a forest  
9 can yield at any time is the growth that  
10 has accumulated up to that time and the  
11 maximum yield that can be removed  
12 perpetually for a period equals the  
13 growth per period."

14                  Now, that particular passage was put to  
15 you starting at page 4063, and Mr. Castrilli indicated  
16 that when he put that passage to you earlier that you  
17 said that you didn't disagree with it, and he said:

18                  "So you and Lawrence... "

19                  Pardon me, he said that:

20                  "So you and Lawrence Davis disagree?"

21                  And you said:

22                  "No."

23                  The question was:

24                  "Well, how do you not disagree?"

25                  And your answer was:

1                 "I will agree with the statement in Davis  
2                 for the situation of a normal forest that  
3                 is stable and at that point in time, when  
4                 the forest is in a normal state and that  
5                 condition is to be perpetuated, the  
6                 growth that is removed for a period..."

7                 Sorry:

8                 "...the yield that is removed for a  
9                 period is equal to the growth that is  
10                 removed for a period and I presented a  
11                 document, a diagram, showing that  
12                 effect."

13                 And you continue on page 4066 at line 19,  
14                 the question:

15                 "And with respect to Exhibit 106, can you  
16                 confirm for me that Lawrence Davis is not  
17                 making the qualifier to his statement  
18                 that I read into the record that you are;  
19                 is that correct?"

20                 Your answer was:

21                 "On page 41 he is not, but if I had the  
22                 whole of the text I would be interested  
23                 to pursue the whole of the text to see  
24                 where that statement may or may not  
25                 be spoken to with reference to changing

1                   the objectives of management in the  
2                   normal forest to which one is trying to  
3                   strive."

4                   So you are saying, without having the  
5                   rest of the text you couldn't comment on whether Mr.  
6                   Lawrence Davis in fact has any modification to that  
7                   statement.

8                   You were given -- the passage you read  
9                   comes from Chapter 3, Growth Yield and Stand Structure  
10                  Concepts for Forest Management. I am going to give you  
11                  the opportunity to take a look at the text. (handed)

12                  A. Thank you.

13                  Q. And identify whether in fact that  
14                  assists you with the question put by Mr. Castrilli.  
15                  The chapter that was read to you, just for your  
16                  reference, is Chapter No. 3.

17                  A. I haven't seen this book before. On  
18                  page 46 in the same chapter we have a statement on the  
19                  growth of stands and I am going to quote from a section  
20                  on page 46 on growth of stands.

21                  "In the long run we cannot cut more than  
22                  we can grow. In the short run, when all  
23                  growth volumes are bound, we can live on  
24                  the accumulated growth of the past."

25                  Now, in that period of time, Mr.

1 Chairman, I can find such a qualifier that says, in  
2 certain conditions in the short term the cut may or may  
3 not either exceed or be less than, either way -- it  
4 doesn't say that but it says the old growth one, which  
5 is exceed, that which is stated in the definition on  
6 page 41.

7 Q. All right. Now, again, in relation  
8 to Mr. Davis, Exhibit 106, will you turn to your  
9 exhibit, turn to page 539. Have you got that?

10 A. Yes.

11 Q. You were -- I won't quote the actual  
12 pages of the document, but the transcript at pages  
13 4149, line 10 to 4151, line 22 deals with questioning  
14 of you of the six items on page 539 which are indented.

15 And you had a discussion as to whether  
16 you agreed that those particular...

17 A. Mr. Chairman, on that page there is,  
18 at the bottom of that page, in fact another comment on  
19 that which I have just related to.

20 Q. Well, perhaps while I am looking in  
21 the transcript you can refer the Board to that.

22 A. In terms of the -- at the bottom of  
23 page 539, the structure of fully regulated forest, it  
24 reads:

25 "How is a forest organized for continuous

1                   production. The best place to start our  
2                   inquiry is at the end to describe how  
3                   the forest looks and behaves when the  
4                   fully regulated structure is finally  
5                   attained "normal forest". Even though  
6                   this ideal final structure is rarely  
7                   attained, it serves to focus our  
8                   thinking."

9                   Q. Well --

10                  A. Again, we have why we approach the  
11                  way we approach, and the realization that the starting  
12                  point may not be the idealized final structure.

13                  Q. You actually referred Mr. Castrilli  
14                  to that last paragraph at the bottom of page 539 after  
15                  reviewing the six items on page 539 which you indicated  
16                  that you were in agreement with, the six points under a  
17                  stated set of circumstances, and you went on talking  
18                  about if the market would change some of those factors  
19                  from one to six may change.

20                  But you didn't have the opportunity to  
21                  look at the next page, and I have that for you. You  
22                  have the text, it will be better.

23                  MR. FREIDIN: Can I ask this page be  
24                  marked as the next exhibit.

25                  THE CHAIRMAN: It will be Exhibit 134.

1 ---EXHIBIT NO. 134: Excerpt of text from Davis  
1987, page 539 (Exhibit 106).

2

3 MR. FREIDIN: Q. Just to put in context  
4 let me read to you from the transcript starting at page  
5 4149.

6                     "Q. Can I refer you to Exhibit 106 which  
7                     is Davis 1987, page 539 -- sorry, we are  
8                     looking at -- you will see there in the  
9                     middle of the page a six-point statement  
10                    of why it is desirable to obtain a  
11                    regular harvest in the forest. I am  
12                    wondering if I can simply ask you to read  
13                    either to yourself or aloud the six  
14                    points that are listed there and then  
15                    advise the Board whether you agree with  
16                    the six points.

17                   A. I am in general agreement with the  
18                   six points under a stated set of  
19                   circumstances.

20 Q. Perhaps you should, for the record,  
21 state what the circumstances are so that  
22 we understand when you are in agreement  
23 with the six points."

24 You say:

"Okay."

1                   And you went through that explanation.

2       Then starting over on page 4151 at line 13 in your  
3       answer you said:

4                   "If you look at the bottom of your page,  
5                   539, just look at the last line."

6                   And you say:

7                   ""Even though this idealized final  
8                   structure is really attained, it serves  
9                   to focus our thinking and whatever the  
10                  next pages are which aren't given.""

11                  And you say:

12                  "So it is recognized that this is an  
13                  ideal to which you strive and you adjust  
14                  your movements towards that ideal of  
15                  circumstances" -- towards that ideal.

16                  It is supposed to be:

17                  "...the ideal of circumstances  
18                  direct."

19                  Now, can you read the next page. Perhaps  
20                  you should start at the bottom of page 539 with  
21                  "...even though..."

22                  A. "Even though this idealized final  
23                  structure is rarely attained, it serves  
24                  to focus our thinking and provides a  
25                  standard by which timber management

1                   progress has traditionally been  
2                   measured."

3                   Q. The next paragraph?

4                   A. "The essential requirements of a  
5                   fully regulated forest are that age and  
6                   size classes be represented in such  
7                   proportion and be consistently growing at  
8                   such rates that an approximately equal,  
9                   annual or periodic yield of products of  
10                  desired sizes and quality may be obtained  
11                  in perpetuity. The progression of size  
12                  and age-classes must exist when  
13                  approximately equal volume and size of  
14                  harvestable trees are regularly available  
15                  for cutting."

16                  Q. Thank you. The question for you, Dr.  
17                  Osborn - this is Tuesday, July the 5th - actually, you  
18                  came back and answered a question on July the 6th that  
19                  was put to you on July the 5th, and it starts at page  
20                  4092, line 18 of the transcript for July the 6th.

21                  In any event, you were discussing there  
22                  was an upper and lower limit for the maximum allowable  
23                  depletion and you had indicated that there was no  
24                  mathematical limits in the same fashion when you looked  
25                  at the Timber Management Planning Manual when you

1 compare that to the 1980 manual.

2 And you indicated that the harvest could  
3 exceed the maximum allowable depletion.

4 My question is: If the planned harvest  
5 of any forest unit is to exceed the maximum allowable  
6 depletion, does the present Timber Management Planning  
7 Manual require any documentation or discussion of that  
8 fact to be incorporated within the timber management  
9 plan?

10 A. I am not personally aware, not  
11 knowing the intimate details of the TMPM.

12 Q. Could you refer --

13 A. Exhibit 7.

14 Q. Could you turn to page 81 of Exhibit  
15 7, under the heading: Disposition of Allocated Areas.  
16 Have you got that?

17 A. Yes.

18 Q. And in that first full paragraph,  
19 would you go up five lines from the bottom in the  
20 middle of the page that says "To facilitate..."

21 A. Yes.

22 Q. All right. Perhaps you could read  
23 that and advise me as to whether, in your view, there  
24 is a clear statement in the document dealing with the  
25 subject matter of my question?

1                   Perhaps just read it out loud.

2                   A. All right. The first sentence you  
3 want me to read says:

4                   "To facilitate this disposal,  
5                   allocated areas which are included in  
6                   declared surplus must be indicated on the  
7                   depletion allocation map required in  
8                   Section 411.1.3."

9                   The next sentence reads, which I think is  
10 therefore key answer to what you are asking about, is:

11                  "If a deficit is forecast where the  
12                  planned harvest exceeds MAD, there must  
13                  be a discussion of the reason for the  
14                  deficit and the manner in which the  
15                  planned harvest and MAD will be balanced  
16                  to offset the deficit in subsequent  
17                  plans."

18                  Q. Thank you. Would you turn to  
19 Document No. 43 -- Document 43 which is part of the  
20 witness statement, Exhibit No. 78.

21                  A. This is page 245?

22                  Q. Correct. There was a discussion  
23 during the hearing on July the 11th near the end of the  
24 day as to whether the maximum allowable depletion was  
25 calculated for the management unit as a whole in

1           addition to maximum allowable depletion for each forest  
2       unit within the management unit.

3                   Do you recall that general discussion  
4       with Mr. Castrilli?

5                   A. Yes.

6                   Q. And your evidence was that MAD is  
7       calculated for forest units during preparation of a  
8       timber management plan?

9                   A. That's what page 245 states and  
10      that's what I said.

11                  Q. And the timber management plans are  
12      prepared every five years for each management unit?

13                  A. That's again what page 245 says and  
14      that's what I so said.

15                  Q. Well, when you wrote the Document  
16      43 -- or when you wrote Document 43 and you said in  
17      Item No. 1: "Calculated at the management unit level",  
18      what was the message or the point that you were  
19      attempting to make?

20                  A. That within the definition of  
21      geography: Province, region, district, management  
22      unit, in that hierarchy of pieces of geography, the  
23      piece of geography that was used for maximum allowable  
24      depletion calculations was the management unit.

25                   Within that, the second statement spoke

1 to and said: "Within the management unit, the actual  
2 calculated values are performed for the forest units  
3 within the management unit", which is what page 245  
4 says in Item 2.

5 And obviously from the discussion I  
6 wasn't very clear. The calculations are actually done  
7 forest unit by forest unit, each one providing a  
8 numerical answer. So if within a management unit there  
9 are four forest units, there are four values. Those  
10 values are all ending up in a table, a table that  
11 speaks to the management unit itself.

12 Q. Could you turn to Exhibit 130, it is  
13 the copy of an interrogatory asked by the Canadian  
14 Environmental Law Association.

15 THE CHAIRMAN: Okay, we have got one  
16 here, Mr. Freidin.

17 MR. FREIDIN: All right.

18 Q. The second part of the interrogatory  
19 was:

20 "Kindly provide us with all studies  
21 available to MNR including produced  
22 internally regarding growth predictions  
23 of forests subject to silvicultural  
24 treatments."

25 And the answer was:

1                   "On the world-wide level an enormous  
2                   amount of information is available.  
3                   Because silvicultural treatment in  
4                   Ontario has not taken place over a very  
5                   long time, growth and yield data  
6                   specific to Ontario are limited.  
7                   In relation to what species do you have  
8                   such data and I ask the question because  
9                   you say that the information is limited?"  
10                  Do you have any such data in relation to  
11                  any species and, if so, which one?

12                  A. Yes. There was in fact presented  
13                  data in a yield table format presented for red pine.  
14                  They were part of--

15                  Q. Exhibit 88.

16                  A. Thank you. Exhibit 88, which were  
17                  the metric yield tables and we included in those data  
18                  in that exhibit an example for red pine demonstrating,  
19                  in very simplistic terms, a comparison between  
20                  so-called natural stands and stands that had been  
21                  planted and moderately thinned.

22                  That was an exemplification of where  
23                  silviculture, planting and thinning had in fact had an  
24                  impact upon the overall development and growth of the  
25                  forest.

1                   And we went through some arithmetic  
2       examples demonstrating the difference as caused by  
3       silviculture which caused increased growth rates and  
4       total yields.

5                   Q. Can you just provide the page numbers  
6       of Exhibit 88 that actually have those particular yield  
7       tables -- that information?

8                   A. Okay. I believe it is 10, 11, 12 and  
9       13. 10, 11, 12 and 13.

10                  Q. Thank you.

11                  Now, on Monday, July the 11th, Mr.  
12       Castrilli discussed with you whether area and volume  
13       yield regulation was in the past, or is at the present  
14       time, practised in Ontario and he referred you to  
15       Exhibit 112 which was the 1977 manual at pages 18 and  
16       19. He also referred you to Exhibit 117 at page 17 of  
17       the excerpt from the text by FLC Reed.

18                  Do you recall that discussion generally?

19                  A. Yes.

20                  Q. And the question put to you, after  
21       referring you to those two exhibits was - and I  
22       attempted to get this down as accurately as possible:

23                  "Notwithstanding Exhibit 112 and Exhibit  
24       117, do you still say Ontario did not use  
25       area and volume method of yield

1 regulation?"

2 And your answer was:

3 "Correct. We used area as the basis  
4 for yield regulation with volumetric  
5 estimates."

6 And my question for you, Dr. Osborn, is:

7 What is the distinction between, on the one hand, using  
8 volume as a basis for yield regulation and, on the  
9 other hand, providing volumetric estimates as an  
10 adjunct to the use of area as the basis of yield  
11 regulation?

12 A. In the use of volume of the yield  
13 regulator it is a set of techniques -- there is an array  
14 of techniques, where volume is the dominant -- in  
15 fact, the only factor that is used to regulate the  
16 amount of yield.

17 And just to simplify that, one could have  
18 an requirement that equal volumes are each and every  
19 either year and/or planning period, based on volume  
20 measures alone. And the area that is harvested or  
21 depleted will vary typically.

22 So volume becomes the dominant factor in  
23 volumetric yield regulation. And it was discussed I  
24 think yesterday, Von Mantel is a very crude example of  
25 such a procedure. No cognizance of area, volumetric

1       methods are used to control and regulate yield.

2                     Area, as Ontario practises it, is used as  
3       the regulation factor. There is an area control, an  
4       area estimate and an area control figure. You provide  
5       a volumetric estimate with that area because it is  
6       fully recognized that it's volume the timber industry  
7       is going to take into the door.

8                     Now, area is the regulating -- is the  
9       estimating value and the regulating value and it is  
10      recognized in that method that volume on an annual  
11      basis may vary.

12                  Q. Thank you. A question to Mr. Armson.  
13      At or in the transcript for July the 6th, page 4223  
14      starting at line 22 and going over to line 1, page  
15      4224, Mr. Castrilli said to you:

16                  "Mr. Armson, you have previously  
17      testified I believe that the FRI is  
18      suitable for use on a provincial scale  
19      and that it was never intended to be used  
20      at the stand level; is that correct?"

21                  And your answer was:

22                  "That's correct."

23                  And my question, Mr. Armson, is: Is the  
24      FRI suitable for use at any level between the stand  
25      level and the provincial scale as put to you in that

1 question?

2 MR. ARMSON: A. Yes. As has already  
3 been described it is used at the management unit level  
4 very clearly and is suitable at that level.

5 Q. And when you say used at the  
6 management event unit level, you are making a  
7 distinction between that and being used at the stand  
8 level?

9 A. That is correct.

10 Q. And could you advise, in a general  
11 way, what use the FRI may be put to at the management  
12 unit level?

13 A. At the management unit level, as  
14 described by Dr. Osborn, it is used in the  
15 determination of the MAD, but that is supplemented -  
16 and I think this is the point that was emphasized - by  
17 any further information, such as OPC, or other  
18 information for the specific areas that are being  
19 considered over the five-year period of the plan.

20 Q. Thank you.

21 Dr. Osborn, on July the 11th that is  
22 Monday, you were questioned in relation to the Rosehart  
23 Report which is Exhibit 93.

24 THE CHAIRMAN: What page are you on, Mr.  
25 Freidin?

1                   MR. FREIDIN: I am looking at the -- if  
2 you go to the page numbered one, you go back one page,  
3 this has no number on it, it is the second unnumbered  
4 page, I think.

5                   Q. You were referred, Dr. Osborn, to the  
6 second paragraph on that page which is entitled:  
7 Summary of Findings and Recommendations and you were  
8 directed specifically to one sentence of that.

9                   Go down six lines, it states that:  
10                  The FRI must be supplemented by more  
11                  detailed surveys, in particular,  
12                  operational cruising (OPC) to meet these  
13                  needs."

14                  And these are referred to earlier in the  
15 paragraph, and you agreed that in certain circumstances  
16 operational cruises may be the best way.

17                  You said to Mr. Castrilli, and I tried to  
18 get your words down exactly:

19                  "You should also recall the statement by  
20                  Dean Baskerville on that subject."

21                  Then Mr. Castrilli curiously indicated  
22 that you would have an opportunity to do that in  
23 re-examination, so I am going to give you that  
24 opportunity, but if in fact it is reference to a page  
25 which you have referred to a number of times and which

1       you have quoted, I don't want you to take the time to  
2       quote it again, but perhaps you could refer the Board  
3       to what passage in Dean Baskerville's Report that you  
4       were referring to?

5                          Do you have it?

6                          DR. OSBORN: A. Yes, I have it. And,  
7       yes, I have quoted it on several occasions.

8                          Q. What page?

9                          A. It is page 41.

10                         Q. And take the shorter of reading it  
11       again or telling the Board what it is all about.

12                         A. It says that:

13                         "The acquisition of more detailed  
14       information must be weighed in light of  
15       the extra costs for obtaining those data  
16       and the benefits obtained from collecting  
17       them."

18                         Q. Thank you. Have you still got that  
19       text open?

20                         A. Yes.

21                         Q. Page 41, where is the quote?

22                         A. It is in the second full paragraph  
23       and it is a phrase in the end of the first sentence in  
24       the second full paragraph.

25                         Q. Now, for the record, just read in the

1 whole sentence; will you.

2 A. "Although application of the FRI  
3 system has obvious weaknesses with  
4 respect to management design, acquisition  
5 of better stand-specific data could be  
6 more costly than the small gain in  
7 accuracy of the averages that are used in  
8 forest level planning would be worth."

9 Q. Thank you. Sometimes I find trying  
10 to save time takes more time.

11 While that question was going on and, as  
12 I indicated, you were referred to the second unnumbered  
13 page, you indicated to Mr. Castrilli that you were  
14 looking through the document for what it said in the  
15 report itself in relation to that matter.

16 And could I refer you to page 14 of the  
17 Rosehart Report. Do you have that?

18 A. Yes.

19 Q. I refer you to the section entitled:  
20 Inventory Intensity, starting on the left-hand side of  
21 the page and I believe you quoted everything under that  
22 heading down to and including Recommendation 11 in your  
23 evidence?

24 A. I believe so.

25 Q. Does that particular passage refer to

1           the topic of when operational cruises may or may not be  
2 required?

3                   A. Yes.

4                   Q. Is there any other part of the report  
5                 that deals with that subject that you can direct the  
6                 Board to?

7                   A. Not off the top of my head in the  
8 time we have here, no.

9                   Q. Mr. Armson, there was a discussion  
10          with Mr. Castrilli about Recommendation 6.7, your 1976  
11          Report. Would you turn to page 180 of the witness  
12          statement for Panel No. 2.

13                  You will find that recommendation at the  
14          bottom of the page. Do you have that?

15                  MR. ARMSON: A. Yes, I do.

16                  Q. The recommendation says that:  
17                  "The division of forests and parks  
18                 together with regional staff identify  
19                 significant areas in need of forest  
20                 management, primarily for aesthetic,  
21                 recreational and other non-consumptive  
22                 uses."

23                  You gave an example to Mr. Castrilli of  
24                 what was meant by that by referring to the Sibley  
25                 Provincial Park and I have recorded your evidence as

1 being that:

2 "To maintain white pine in Sibley  
3 Provincial Park you have to manage it  
4 because if you don't it will not remain  
5 white pine."

6 And I note that as an example that  
7 actually was referred to on page 180 in the paragraph  
8 above Recommendation 6.7.

9 Could you explain what you meant by  
10 managing it and, secondly, why would the area not  
11 remain as white pine without that management?

12 A. What I meant by managing is the fact  
13 that from our experience in management, not only in  
14 Ontario but elsewhere, we know that white pine is a  
15 species which occurs in the natural forest, primarily  
16 as a result of a major disturbance and that disturbance  
17 has been fire.

18 That from experience both in the  
19 northeastern United States and eastern Canada, we know  
20 that silviculturally to maintain a forest of white  
21 pine; that is, to harvest, regenerate, perpetuate it as  
22 a species in a given forest area, the most effective  
23 way is by a system of cutting which creates an evenage  
24 class and that -- it will be described in a later  
25 panel, the particular system - but, if you just accept

1       that we create an evenage by a major disturbance and  
2       by, in this case, harvesting.

3                   So in order to maintain white pine on any  
4       area such as Sibley Park one would, therefore, have to  
5       harvest to in fact ensure the perpetuation of that  
6       species on that area.

7                   Q. What would happen to the area then  
8       and to the white pine if you didn't do that type of  
9       management?

10                  A. We know again from documentation, not  
11       necessarily in Sibley, but in other areas of the Great  
12       Lakes/St. Lawrence forest region that when the white  
13       pine forest is not disturbed by a fire or by cutting,  
14       that it is normally replaced over time - over many  
15       decades, not instantly - by such species, in particular  
16       balsam fir and, to a limited degree, certain of the  
17       species, but particularly balsam fir and hardwoods such  
18       as maple, which can regenerate and occur within the  
19       interior of the white pine stand and as the white pine  
20       dies, individually, these other species then flourish  
21       and move up and occupy the space and ultimately they  
22       stand.

23                  And the best examples that I can cite to  
24       the Board where that is occurring - has occurred and is  
25       occurring, is in the Skyline Reserve of Temagami and

1       along the borders of Highway 11 and these were examples  
2       I also cited in my report of 1976.

3                   Q. Is there a technical term which is  
4       used to describe the process that you referred to in  
5       this particular example of white pine not being  
6       disturbed, dying naturally and having something else in  
7       terms of species coming back on the same area?

8                   A. Yes, we use the word succession, the  
9       process of succession.

10                  Q. And is this process of succession -  
11       and just so you understand what I mean by it - a change  
12       in the species on a specific area of land changing over  
13       time, if it is not managed or disturbed, is that a  
14       thing which occurs in relation to stands of species  
15       other than white pine?

16                  A. Yes.

17                  Q. And will you be discussing that as  
18       part of your evidence in Panel No. 9?

19                  A. Yes, I will.

20                  Q. Thank you.

21                  THE CHAIRMAN: Mr. Armson, with this  
22       concept of succession, if the white pine were  
23       eliminated through succession, and you had a subsequent  
24       forest fire, would you revert back to the beginning of  
25       the succession chain again?

1                   MR. ARMSON: You would revert back to  
2 what we would call a pioneer state. But if there was  
3 no essential seed source of white pine, the pioneers  
4 would be other species than white pine.

5                   THE CHAIRMAN: Thank you.

6                   MR. FREIDIN: Q. Dr. Osborn, you were  
7 asked whether quality of supply is also important to  
8 industry. And you said, for particular products, yes.

9                   Could you explain the connection between  
10 particular products and the importance of quality of  
11 supply?

12                  DR. OSBORN: A. Yes. If we are talking  
13 of a product like veneer particularly where the  
14 products -- what comes out of the mill in terms of  
15 sheets of veneer is the desire to have that with  
16 straight grain, lack of knots, there is quality  
17 measures whereby you pay more for "clear veneer".

18                  Work that backwards through the mill,  
19 therefore, the wood going into the front door of the  
20 mill from the forest has to have those sorts of  
21 characteristics, so the trees themselves have to -- one  
22 has to have concern that the trees themselves exhibit  
23 those characteristics of lack of branches, lack of  
24 defect, there is a quality measure required of the  
25 trees. So for a veneer product very much so.

1                   If we change products for a moment and  
2 think about saw logs. Within saw logs there is a  
3 concern as to straightness, non-twistiness of the stem,  
4 lack of branches, or if there are branches the branch  
5 is alive so the knot is sound and not dead. So there  
6 are quality measures of the tree again for saw logs.

7                   Now, in both those two kinds of mill,  
8 both the veneer mill and a saw mill and to -- and to a  
9 pulp mill there is a third quality measure, that of  
10 size - this is really why I had some difficulty with  
11 your question because I wasn't sure what the word  
12 quality meant - there is a concern about tree size.

13                  So the aspect of quality has a range of  
14 importances depending upon the mill product. And I  
15 have gone from the veneer mill, very demanding  
16 typically; to the saw log mill, less demanding in a  
17 general sense; to the pulp mill, least demanding in  
18 terms of quality aspect.

19                  Q. Dr. Osborn, you were discussing with  
20 Mr. Castrilli the differences between normal yield  
21 tables and empirical yield tables.

22                  Can you advise whether the red pine yield  
23 tables that you referred to earlier in the latter pages  
24 of Exhibit 88 which dealt with areas which had been  
25 thinned; are those examples of empirical yield tables?

1                   A. I believe so because the data were  
2 based upon actual measurements from permanent sample  
3 plot records and those records would have -- been  
4 measures of the actual stands or the actual plots in  
5 the actual stands and the fact they had been thinned,  
6 some of those measurements would certainly have  
7 reflected non-full stocking.

8                   And, therefore, they would have not been  
9 fully stocked which was a requirement for the data in  
10 the normal yield tables, so to that extent they would  
11 have been emperical yield tables.

12                  The word empirical in yield tables means  
13 actual, what one finds either naturally and/or  
14 man-caused.

15                  Q. Thank you. Dr. Osborn, would you  
16 please refer to Exhibit 125 which was the report or the  
17 paper of Dr. Mervart and I'd like to refer you to page  
18 16 -- page 15, I am sorry, of that exhibit.

19                  Page 15, Dr. Osborn.

20                  A. Yes, I have page 15.

21                  Q. Halfway down the page, Item C:  
22                  "Error due to a limited precision of the  
23 measurement technique and compilation  
24 procedure."

25                  The last part of that page under that

1 heading was either read to you or you read it aloud and  
2 I will just repeat that. It says:

3 "According to Raymond it appears that  
4 with present photography scale and  
5 standard equipment the inherent precision  
6 of estimating tree height is about is  
7 about plus or minus ten feet. A check  
8 with a yield table reveals that in mature  
9 stands a ten-foot error in height may  
10 easily result in a 30 per cent volume  
11 error and a jump by one or one and a half  
12 site classes, an error of five feet in a  
13 15 to 20 per cent volume error and say a  
14 one half site class difference."

15 Now, you read -- Mr. Castrilli read the  
16 paragraph on the next page, but I won't take you to  
17 that at the moment, but in relation to the paragraph  
18 that I did read to you, you were asked by Mr. Castrilli  
19 whether you agreed with that particular quote you said:

20 "The arithmetic arrived at by Mervart is  
21 correct."

22 You accepted the arithmetic. You went on  
23 in your evidence to say - and again I tried to get this  
24 down as accurately as I could:

25 "We spend time with our photointerpreters

1                   to see if the estimate on the ground are  
2                   accurate and compare it to the  
3                   interpretation. Within MNR staff the  
4                   staff I have to do aerial photography you  
5                   keep looking at ensuring close  
6                   relationships between photointerpretation  
7                   and actual height."

8                   My question is: Do you believe -- this  
9                   report by Dr. Mervart or paper was written in September  
10                  of 1975. Do you believe that the training and  
11                  monitoring of your photointerpreters has any effect on  
12                  the likelihood of making the type of error in height  
13                  referred to in the passage that I quoted to you?

14                  A. Quite definitely, that is why we  
15                  conduct that continual repeated training, to try and  
16                  ensure that the photointerpreters recognize where the  
17                  possible sources of error are and we work on their  
18                  techniques to try to reduce those sources of error.

19                  Q. If I refer you to the quote again it  
20                  started:

21                  "According to Raymond it appears with  
22                  present photography scale and standard  
23                  equipment this inherent precision of  
24                  estimating tree heights is about plus or  
25                  minus 10 feet."

1                   And my question is: Have there been any  
2 changes in, or are there any likely changes in either  
3 photography scale and equipment used which would affect  
4 the precision of the estimation of height referred to  
5 by Dr. Raymond in this particular quote?

6                   A. In the time the paper was written and  
7 the time he is alluding to Dr. Raymond's comment, which  
8 wa 1974, the then photography scale was typically  
9 1:15,840, 20 chains to the inch.

10                  Since that date we have had two photo  
11 scale changes and they aren't exclusive. Some parts of  
12 the province are flown at a photo scale of 1:10,000  
13 which is a bigger scale, the trees look bigger on the  
14 photograph. The other change is, in parts of the  
15 province, we have gone to a 1:20,000 scale for which  
16 the trees look smaller on the photograph.

17                  Now, both of those changes have a  
18 possible impact on the ability to estimate  
19 photointerpretation heights, particularly the 1:20,000  
20 and that is why again we have taken time and effort in  
21 the front end of any field cruise project to ensure  
22 that the people involved on the ground cruise and  
23 photointerpretation teams have got these ground  
24 measurement photointerpretation estimates as accurately  
25 has they can get it.

1                   So those -- the two changes in photo  
2 scale have had a possible impact on photointerpretation  
3 estimates of height. The instrumentation, the actual  
4 device, the hipsometer, the tree height-measuring  
5 device, I don't believe has changed since 1974.

6                   Q. And are there any -- you spoke of two  
7 changes that did occur in terms of photo scale. Are  
8 there any changes being looked at in relation to photo  
9 scale which may, if they turn out to be adopted or it  
10 turns out to be developed, will that have any effect on  
11 this ability to estimate height?

12                  A. Yes. We will continue to - I use the  
13 word monitor - test, evaluate the implications of photo  
14 scale on the whole range of FRI estimates.

15                  Put very simply, the smaller the scale,  
16 the more we go to 1:20,000, 1:25,000, 1:30,000 the more  
17 we go in that direction, the more the overall cheaper  
18 the total process.

19                  The concern in progressing along those  
20 lines is the smaller the scale - as I mentioned the  
21 smaller the trees - the possibly the more difficult the  
22 estimate. So we continue to monitor. A tradeoff  
23 between overall costs versus precision of estimates.

24                  And this subject is, I won't say  
25 continuously every year being looked at, but certainly

1       we are monitoring what the implications of any such  
2       changes are and that is done in consultation with the  
3       user.

4                   Q. Thank you. Yesterday you referred to  
5       paragraph 113 of the witness statement which dealt with  
6       free to grow and I don't think you really need to look  
7       at that paragraph.

8                   Mr. Castrilli suggested to you that the  
9       concept of free to grow was to encourage FMAs to  
10      regenerate and, therefore, increase their land base and  
11      allowable cut.

12                  I noted doesn't indicate -- I think that  
13      this question may have been put to Mr. Armson, so  
14      perhaps one of you will remember which one actually  
15      said this.

16                  You were asked:

17                  "Was the concept of FTG done to encourage  
18      FMAs to regenerate and, therefore,  
19      increase their land base and allowable  
20      cut?"

21                  The answer was:

22                  "There was a two-fold purpose. The first  
23      one..."

24                  You said:

25                  "...have stimulus to the FMA holder to do

1 something because of the consequence of  
2 not getting the area free to grow."  
3 I don't remember which.  
4 DR. OSBORN: A. Yes, I made that  
5 statement.

6 Q. Okay. Now, I have two questions in  
7 relation to that.

20 So the concept was all other  
21 circumstances more or less being the same - and it is  
22 hard to visualize - if you take something away from the  
23 base and you still divide by the same number, the  
24 overall MAD will decrease. And the intent was to get  
25 the FMAs attention.

1                   Q. What was the something that you  
2 thought might be stimulated?

3                   A. The activity to put the area back  
4 into production as fast as possible to ensure the MAD  
5 was kept as high as was practical. Again, the overall  
6 objective of the FMA was the maintenance of  
7 productivity of the area.

8                   Q. Thank you. And perhaps you could  
9 then deal with the second purpose that you alluded to  
10 but said absolutely nothing about?

11                  A. Okay, yes. Track back in my mind of  
12 yesterday.

13                  Prior to this concept, the area included  
14 in the MAD calculation or the AAC calculation very  
15 often had included the entire area of the working  
16 group; i.e., the area not only that was free to grow  
17 but the area of the young trees from age one up to free  
18 to grow and the part or all of that which was labeled  
19 barren and scattered.

20                  So the entire area of the working group  
21 were a little bit less, where maybe not all of the  
22 barren and scattered was put into base, had been used  
23 as the basis for area in the AAC calculation.

24                  Q. AAC calculation being...?

25                  A. Annual allowable cut.

1                   Q. Which has been changed to the maximum  
2 allowable depletion now?

3                   A. Yes, it is not a strict translation  
4 but it is analogous, yes.

5                   Q. Okay.

6                   A. And inherent with doing AAC with that  
7 large an area was an assumption - and it was stated -  
8 an assumption that that area which didn't contain trees  
9 or contained very young trees at that time, the barren  
10 and scattered and the very non-free to grow areas, an  
11 assumption that within the 20-year planning period,  
12 which was used at that time, those areas would become  
13 regenerated. They would move into the "free to grow"  
14 concept within the time of the planning, 20-year  
15 period.

16                  So in the 70s we used that different area  
17 base to do the calculation. Now, there were some other  
18 caveats but we aren't getting into those. That  
19 concept, that assumption that those areas would all  
20 become regenerated was somewhat trusty and what was  
21 recognized was: Why do we need to make that  
22 assumption, why don't we in fact put into the base  
23 those areas with trees, enough trees and growing trees;  
24 i.e., those that were free to grow.

25                  So essentially what emerged out of the

1       70s was when we move into the 80s and move into  
2       management in a somewhat different environment,  
3       particularly with FMAs, let's introduce this idea of  
4       the base that is used for the calculation is that with  
5       actually having trees on it that are growing; i.e.,  
6       free to grow.

7                   So the second allusion that I made  
8       yesterday but didn't explain was this concept of having  
9       the area that was used for regulation, that which was a  
10      proven viable part of the forest at that point in time.

11                  Q. A short hypothetical: If you had a  
12      particular forest out there and you did a calculation  
13      and you had an area which was in fact barren and  
14      scattered or you had younger age-classes which were not  
15      free to grow, if you calculated the maximum allowable  
16      depletion for that particular forest unit and you also  
17      calculated the annual allowable cut for that area -- I  
18      mean for that forest unit, which of the two areas would  
19      be larger?

20                  A. All other things being equal, because  
21      there is a whole host of things you haven't stated, the  
22      AAC value will give you a larger value than the MAD.

23                  Q. Thank you. Will you turn to page --  
24      Document 55 and 56 of the evidence which you will find  
25      at page 257. The two documents are actually pages 257

1 and 258.

2 Have you got that?

3 A. Yes, I have.

4 THE CHAIRMAN: 78?

5 MR. MARTEL: 78, yes.

6 MR. FREIDIN: Q. And Mr. Castrilli spent  
7 some time reviewing those two documents with you and  
8 having you agree that the percentage differences  
9 between the maximum allowable depletion for different  
10 forest structures as calculated by him was correct.

11 I am sure you remember that line of  
12 questioning, Dr. Osborn?

13 A. Yes.

14 Q. On a number of occasions you agreed  
15 with the arithmetic but you said, in one case:

16 "You will see it doesn't work that way."

17 And you said that in relation to page 257  
18 and you said:

19 "You would have to look at page 258",

20 Where you say:

21 "The arithmetic is right, but the  
22 comparison of the percentages or the  
23 comparison by percentages is irrelevant  
24 or doesn't make sense."

25 Can you explain your comments in relation

1 to the line of questioning generally?

2 A. Yes, there is two items here, the  
3 first is personally philosophy. You can do a lot of  
4 things with percentages which I find very, very  
5 confusing and often very dangerous because you are not  
6 quite sure what the base is and how they are being  
7 used.

8 Percentage changes may be fantastically  
9 large and the absolute difference might be very, very  
10 small. So I have a real personal caution with any  
11 playing with percentages. That was the first part.

12 Q. And the second part?

13 A. And the second part really dealt with  
14 the values on page 257. For example, the values on  
15 page 257 in the extreme right-hand corner for the  
16 overmature and large 1:20 example, 1.4 and 1.6.

17 If you look at those two, the inference  
18 is the large 1:20 has a larger value. However, by the  
19 time you reach page 258 you reach a state of affairs  
20 that demonstrates that in fact with the large 1:20 area  
21 on page 258, the actual MAD that results of 10.69 is a  
22 lot smaller than the value for the overmature MAD of  
23 14.56.

24 Now, I got concerned because the  
25 comparisons between the values on page 257, as far as I

1       was concerned, were irrelevant. You are halfway  
2       through the calculation, you pick a substage in the  
3       calculation, you make a comparison. And I suppose my  
4       concern arose in the sense you are comparing two things  
5       that are not - to use a cliche - the bottom line.

6                  Page 258 provides you with what the  
7       implications really are on the MAD when you compare 2B  
8       and 2C. That is why I reckoned the comparison at page  
9       257 was irrelevant. Nobody who understands the process  
10      would make the comparison on page 257.

11                 Q. Thank you. Another area, Dr. Osborn.  
12       For a given management unit, would a unit forester know  
13       what the age-class structure was for any forest unit  
14       that he was doing a MAD calculation for?

15                 MR. CASTRILLI: Mr. Chairman, can my  
16       friend advise as to where in the cross-examination that  
17       matter was dealt with?

18                 MR. FREIDIN: Well, let me try, no  
19       transcripts. We certainly talking about age-class  
20       structures, we were certainly talking about maximum  
21       allowable depletions.

22                 Yes. I am going to be asking him about  
23       the immature -- what would be the immature portion of  
24       that particular information, and the questioning took  
25       place yesterday and the question put was:

1                   "What percentage of the calculation was  
2                   done on immature forests for forest  
3                   units?"

4                   And you were talking about page 258  
5                   actually. Let me just give the question.

6                   The question:

7                   "Confirm FTG considered not to be in the  
8                   land base or assume."

9                   Answer:

10                  "If it's not FTG it is not in the land  
11                  base, there is no MAD."

12                  Question on page 258:

13                  "Can you confirm the examples on that  
14                  page show FTG increases the allowable cut  
15                  in 2B and 2C?"

16                  A. Correct.

17                  Q. When doesn't it do this?

18                  A. It depends on age-class distribution.

19                  Q. What percentage of calculation was  
20                  done on immature forests for the forest  
21                  unit?

22                  A. I don't know."

23                  THE CHAIRMAN: Are you going through this  
24                  line of questioning to find out, or attempt to find out  
25                  that although he is not aware of the percentages the

1       unit forester would be aware of overall ages, along  
2       those lines?

3                    MR. FREIDIN: That's exactly the line I  
4       am going to take. I have got two questions.

5                    THE CHAIRMAN: Any further objections?

6                    MR. CASTRILLI: No, Mr. Chairman.

7                    THE CHAIRMAN: Very well, proceed.

8                    MR. FREIDIN: Q. Need I repeat the  
9       question?

10                  DR. OSBORN: A. Yes, please.

11                  Q. For a given management unit, will a  
12       unit forester know the age-class structure of the  
13       forest unit that he was doing a MAD calculation for?

14                  A. Yes.

15                  Q. And with that knowledge of the  
16       age-class structure, would any part of what he would  
17       see in that age-class structure - let's assume we have,  
18       assume we have a histogram - would any part of that be  
19       referred to as the immature forest?

20                  A. Yes. The histogram wouldn't show  
21       that, the histogram would show the actual area by  
22       age-classes.

23                  Q. And what part of that forest unit in  
24       terms of age-classes would be immature forest?

25                  A. Typically, that which is an age-class

1 up to 10. It depends on the planning period, but maybe  
2 10 years before rotation age. On a five-year planning  
3 period, typically all those age-classes up to five  
4 years less than rotation age.

5 Q. Thank you. Speaking of rotation  
6 ages, Dr. Osborn, if there is a change in rotation...

7 MR. FREIDIN: Sorry, one moment, Mr.  
8 Chairman.

9 Q. Yes, I believe your evidence was that  
10 if there is a change in rotation, the reason for that  
11 change would be documented in the timber management  
12 plan; is that correct?

13 DR. OSBORN: A. I believe I said I hope  
14 so and I think then I was taken to part of it that  
15 showed that it was.

16 Q. Would that change -- do you know  
17 whether that change would be in draft timber management  
18 plans which are available for review and inspection by  
19 the public?

20 A. No, I don't know.

21 Q. Okay. Do you know whether there is a  
22 review and approval process for timber management  
23 plans?

24 A. Yes, there is.

25 Q. Can you advise me does that review

1       and approval process involve persons other than the  
2       planning team that are involved in preparing the plan?

3                   A. As I understand it, people other than  
4       that planning team have input and provide comments to  
5       "the" or "a draft".

6                   Q. Are you aware of all the details of  
7       that review and approval process?

8                   A. No, I am not.

9                   Q. Are you aware of the levels of the  
10      Ministry of Natural Resources in term of the  
11      organizational structure that are involved in that  
12      review and approval process?

13                  A. Not under oath, I am not, to be  
14      exact. I know the general principles but under oath I  
15      would not want to say exactly level 1, level 2, level  
16      3.

17                  Q. That's fine, thank you. You were  
18      asked -- going back to the discussion of sustained  
19      yield, Dr. Osborn, you were referred to a number of  
20      definitions of sustained yield. I believe you referred  
21      to one in Document No. 14 which was the Canadian  
22      Council of Forest Ministers' Report?

23                  A. Yes, I referred to the set of words  
24      in there, yes, which described what the authors thought  
25      sustained yield meant.

1                   Q. And did you agree with the statement  
2 by the authors to what sustained yield meant?

3                   A. Yes, I believe so.

4                   Q. Could you just pick up document --  
5 look to Document 14 and identify the passage that you  
6 are referring to?

7                   A. This is page 117 of the  
8 evidence-in-chief, Exhibit 78.

9                   Q. I don't want you to read the entire  
10 part of that quote, but perhaps identify generally what  
11 it says and where you can find it on the page?

12                  A. On page 117, it is the fourth  
13 paragraph.

14                  Q. If it is just the fourth paragraph,  
15 then you better read it, it is just as easy.

16                  A. The fourth paragraph reads:  
17                    "Sustained yield or sustainable  
18 development has different meanings for  
19 different people. But essentially it  
20 requires the application of management to  
21 provide for a continuity of supply.  
22 Although usually related to wood supply,  
23 the principle is equally applicable to  
24 the maintenance of other resources  
25 whether they be water, wildlife, fish or

1 recreational opportunities."

2 Q. Mr. Kennedy was acknowledged by you  
3 to be a Canadian when his definition was put to you.  
4 Do you remember that?

5                           A. I probably said I believe so because  
6 I personally don't know whether the Commissioner was or  
7 was not a Canadian.

8 MR. FREIDIN: I am perhaps apologizing  
9 for the question, Mr. Chairman, but I can't resist.

10 Q. Do you know whether the Forest  
11 Ministers of the various provinces of Canada are  
12 Canadians?

13 DR. OSBORN: A. No, I don't know that  
14 either.

15 Q. Okay. Now, three questions which  
16 will hopefully deal with a matter on which there may be  
17 some confusion.

24 A. I had to check because I am not  
25 familiar with the intimate details of the new

1 management planning manual, but Exhibit 7 on Table  
2 4.16, Forecast Disposition of Maximum Allowable  
3 Depletion Area which contains a line, total planned  
4 harvest, is for the five-year term.

5 So, as I understand your question, the  
6 answer is the value of planned harvest is for the  
7 five-year period.

8 Q. Would the Ministry necessarily have a  
9 concern if more than one-fifth of the planned harvest  
10 for the five years was actually harvested in a given  
11 year?

12 A. I am hesitating because of the word  
13 concern. The Ministry would be interested in whatever  
14 took place, whether it was less than or more than the  
15 one-fifth.

16 Concern, yes, it would have a concern.  
17 The magnitude of the concern would depend upon whether  
18 it took five-fifths in any one year, four-fifths in any  
19 one year, three-fifths, two-fifths or one-fifth.

20 So when you use the word concern, I am  
21 not sure exactly what you mean by that, but we do not  
22 forbid a value differently from one-fifth on an annual  
23 basis.

24 Q. Thank you. Now, in a timber  
25 management plan --

1                   MR. MARTEL: Could I ask a question?

2     But in the final line though is that you still cannot  
3     exceed over the five years the amount planned; that's  
4     the catch in it?

5                   MR. OSBORN: Right, sir. The annual  
6     control is not -- we pay attention to five-year  
7     control. We don't have: Thou shalt only have the  
8     absolute value on an annual basis. It is a five-year  
9     control time frame, yes. Over the five years the  
10    things balance.

11                  MR. FREIDIN: Q. Let me put the question  
12    to you that Mr. Martel asked. I won't ask the question  
13    again.

14                  As I understood -- well, I understood Mr.  
15    Martel to ask you whether there is any -- the thing  
16    which is important is that you don't exceed the planned  
17    harvest for the five-year term and you said yes.

18                  And my question then to you is: Well, is  
19    there a difference between the planned harvest and the  
20    maximum allowable depletion for that forest unit and,  
21    if there is a difference, would you address that  
22    question again?

23                  DR. OSBORN: A. Yes, there may be a  
24    difference. There may be a difference between the MAD  
25    and the planned harvest.

1                   Q. Explain that, please?

2                   A. One of the reasons is again given on  
3                   Table 4.16, is there may well be reserves, areas  
4                   identified within the MAD and those reserves, according  
5                   to the instructions for that table, are where harvest  
6                   operations are not permitted.

7                   So with regards to that component, the  
8                   MAD may in fact contain reserve areas which are  
9                   obviously - because of fact that they are reserves -  
10                  will not be part of the planned harvest, planned  
11                  harvest by a licensee cutting the trees.

12                  Q. Now --

13                  A. So there is a difference between  
14                  planned harvest, licensee's cut and the MAD.

15                  Q. And to make that --

16                  MR. MARTEL: Can you go through that  
17                  again?

18                  DR. OSBORN: Certainly, sir. MAD 100.

19                  MR. MARTEL: Right.

20                  DR. OSBORN: Reserves 5, all other  
21                  factors aside, planned harvest 95.

22                  So the actual amount planned for harvest  
23                  and cut by the licensee is 95 not the 100 MAD. So the  
24                  planned harvest and the MAD may differ.

25                  MR. MARTEL: Thank you.

1                   MR. FREIDIN: Q. Can you turn to Table  
2     4.16 of Exhibit 7, Dr. Osborn. Do you have that?

3                   DR. OSBORN: A. Yes.

4                   Q. The first item is the maximum  
5     allowable depletion for a forest unit; correct?

6                   A. Correct.

7                   Q. And you deduct -- All right. The  
8     next item is allocated area. Do you know what that is?

9                   A. I believe so.

10                  Q. What is it?

11                  A. That is literally taking the MAD and  
12     deciding on a forest stand map, for example, where that  
13     MAD may come from.

14                  Q. All right. So that if you had a MAD  
15     of 100, you would show on a map an area of stands of  
16     that forest unit which would equal 100?

17                  A. Yes, stands had to meet certain  
18     criteria.

19                  Q. Right. The reserves you have already  
20     described.

21                  A. On the same map sheet you indicate  
22     those.

23                  Q. All right. And what do you get then  
24     if you follow the table, if you deduct those reserves?

25                  A. Available for harvest is the item on

1           Table 4.16.

2           Q. So the example, if in fact you had a  
3         hundred shown on the map and you had reserves of five,  
4         the area available for harvest would be 95?

5           A. Correct.

6           Q. The next item is planned harvest by  
7         the licensee. Does that necessarily have to be equal  
8         to the area available for harvest?

9           A. No.

10          Q. It could be less?

11          A. It could be less than.

12          Q. It could be more than?

13          A. Yes, as I understand it.

14          Q. Thank you.

15          MR. MARTEL: Once again, can I ask a  
16         question? If it's the area that's more than the area  
17         that's available, do you have to find the amount from  
18         some other source then?

19          DR. OSBORN: We are back into the  
20         discussion elaboration that Mr. Armson went through in  
21         dealing with said situation, exactly.

22          MR. MARTEL: It is just for the  
23         clarification. Thank you.

24          MR. FREIDIN: Q. Mr. Martel said looking  
25         to some other source. Mr. Armson, in your evidence did

1       you indicate whether -- if in fact there was a demand  
2       for more than the area available, whether in the short  
3       run that shortfall could be made up by actually  
4       exceeding the maximum allowable depletion for that  
5       forest unit on the same management unit?

6                    MR. ARMSON: A. Yes, I indicated that  
7       that could happen but there would have to be a very  
8       definite plan on that, how that exceeding of the amount  
9       would be then balanced off in subsequent planning  
10      periods.

11                  Q. You indicated that there was an  
12      option of going somewhere else and getting it?

13                  A. That's right.

14                  Q. Thank you.

15                  MR. FREIDIN: Those are my questions, Mr.  
16      Chairman.

17                  THE CHAIRMAN: Thank you, Mr. Freidin.

18                  Ladies and gentlemen, I think we will  
19      take a short break at this point.

20                  Mr. Castrilli, perhaps you could settle  
21      the form of that undertaking during this break and we  
22      will be back and settle this and then move right into  
23      the details on the site visit.

24                  Thank you. 20 minutes.

25      ---Recess taken at 10:30 a.m.

1           ---Upon resuming at 10:50 a.m.

2           THE CHAIRMAN: Please be seated.

3           MR. CASTRILLI: Mr. Chairman, if I could  
4           have one moment of the Board's time. We were almost  
5           through sorting out our collective understanding of the  
6           undertaking, but we had not quite finished.

7           We would be content to let Ms. Murphy  
8           deal with the issue of site visits at this time and  
9           then, if we could be permitted a bit more further time  
10          at the close of her comments, in other words, a further  
11          break to sort out the remaining details, I think we can  
12          have it wrapped up fairly quickly.

13          THE CHAIRMAN: Okay. Well, at the end  
14          will it take more than ten minutes or so for you two to  
15          sort the rest out?

16          MR. FREIDIN: Well, I certainly hope not.

17          THE CHAIRMAN: Okay. Well, why don't we  
18          do this: We will deal with Ms. Murphy at the moment  
19          and take a short break afterwards. If you cannot sort  
20          it out, maybe we can sort it out for you, if that would  
21          be helpful.

22          MR. FREIDIN: I am sure Mr. Castrilli and  
23          I can agree.

24           Are the witnesses then excused?

25          THE CHAIRMAN: Yes, I believe there is no

1 further examination.

2 Thank you, panel. No doubt we will see  
3 you again.

4 ---(panel withdraws)

5 MS. MURPHY: Okay. Mr. Chairman, before  
6 I begin, I provided some documentation to the Board and  
7 perhaps it would be wise for us all to ensure that we  
8 all have the documentation before we go any further.

9 First of all, there is a memorandum dated  
10 the 11th of July. It is memorandum to attendees on the  
11 site visit, it is a list.

12 THE CHAIRMAN: Oh, I do not think I got  
13 that one. Oh, yes, I did.

14 MS. MURPHY: I can provide another copy.

15 THE CHAIRMAN: Okay. I think you gave it  
16 to me, but I appear to have lost it.

17 I have got it, thanks.

18 MS. MURPHY: This is simply the list that  
19 we had advised that we would provide so that people  
20 would have some idea what kind of equipment and so  
21 forth they should bring along on the visit and that  
22 would be provided to the people that would be in  
23 attendance.

24 THE CHAIRMAN: What about the fishing  
25 rods that Mr. Martel wanted included?

1 MS. MURPHY: Well, it depends on the size  
2 of the helicopter.

3 MR. FREIDIN: Bring lots of line.

4 MS. MURPHY: There is trawling and then  
5 there is trawling. Another document that we will be  
6 referring to so that I would like to ensure that  
7 everybody has it, is a short version of the curriculum  
8 vitae of Frank Kennedy.

9 The third document entitled:

10 Environmental Assessment Board's Site Visit Itinerary,  
11 July 1988. That is this document. (indicating)

12 There are two other documents that we are  
13 providing to people just as a matter of information:  
14 One is a book by the Ministry of Natural Resources or  
15 published by the Ministry of Natural Resources  
16 entitled: The Forest Trees of Ontario, a Guide to  
17 Their Identification, with illustrations. We thought a  
18 book like this would be useful to people going on the  
19 visit.

20 Finally we provided a copy of the  
21 official road map. It is just useful to help keep  
22 track of generally where you are.

23 And one final item here that we will be  
24 referring to is this large map. This is the earlier  
25 map that we dealt with with the new overlay and Mr.

1 Kennedy will be describing to you what that is.

2 Now, before I begin, I have one major  
3 sort of concern that I would like the Board's advice on  
4 and basically our submission is that it would be useful  
5 for the Board to give some advice to the counsel, so  
6 that the people who do attend the visit can be advised  
7 by counsel.

8 The concern is this: That the people  
9 attending the visit, besides of course the Board, would  
10 be Mr. Kennedy as the guide, there would be  
11 representatives of some of the interested parties and  
12 also some representatives of the media.

13 Now, it is our understanding that as  
14 guide it's Mr. Kennedy's function to provide factual  
15 information to answer questions from the Board. And,  
16 for clarification, we would ask the Board to advise  
17 counsel and have counsel in turn advise their  
18 representatives about their roles during the visit.

19 THE CHAIRMAN: Okay. Actually the Board  
20 has discussed this earlier today and if you would like,  
21 Ms. Murphy, I would like to read into the record what  
22 we might consider the ground rules for the site visit  
23 and I think it addresses some of what you have just  
24 alluded to.

25 As we understand it at this point, in

1 addition to the Board coming and the guide provided by  
2 the Ministry of Natural Resources, Mr. Kennedy, there  
3 will be, at least for part of the visit,  
4 representatives from Northern Ontario Tourist  
5 Outfitters Association, the Ontario Federation of  
6 Anglers and Hunters, the Ministry of the Environment,  
7 Ontario Forest Industries Association, and somebody I  
8 think for part of the visit from the Forests for  
9 Tomorrow coalition, and possibly one representative  
10 from the media. That is the list of people that have  
11 spoken to Mr. Mander and indicated their desire to  
12 attend.

13 During the visit, the Board would like to  
14 make it quite clear that the following ground rules  
15 will be in effect:

16 No. 1: There will be no conversation  
17 with the Board with respect to any of the activities or  
18 locations visited.

19 No. 2: The Ministry of Natural  
20 Resources' guide will restrict his conversations with  
21 the Board to strictly factual information about the  
22 activities and/or the locations with no editorializing  
23 about those activities or locations.

24 No. 3: Where the Ministry of Natural  
25 Resources' guide is not familiar with the factual

1 aspects of activities and/or locations, information  
2 may, upon request by the Board, be provided by any of  
3 the others present.

4 No. 4: No cameras or video equipment  
5 will be permitted with respect to the Board and  
6 representatives of the parties. The exception to this  
7 rule will be that the representative of the media will  
8 be allowed to take photographs and/or use video  
9 equipment. The Board, however, will not be subject to  
10 interviews by the media on this site visit.

11 And, No. 5: The Board will ask counsel  
12 for the parties having representatives on the site  
13 visit to inform their representatives of these ground  
14 rules.

15 So as I indicated earlier, the Board is  
16 attempting, as much as possible, to ensure that it  
17 obtains the benefit from the site visit that it would  
18 normally obtain from this type of visit and that we are  
19 not going to get into evidentiary problems later on.  
20 And that is primarily the reason for limiting the  
21 conversation and the prohibiting of taking of pictures  
22 or use of video equipment.

23 MR. CASSIDY: Mr. Chairman, do you have  
24 any difficulty with the party representatives making  
25 notes during the visit?

1                   THE CHAIRMAN: No. The party  
2                   representatives can make notes during the visit and the  
3                   Board itself will be making notes during the visit and  
4                   in view of the fact, Ms. Murphy, that I understand we  
5                   may be all travelling in the same helicopter, that  
6                   ultimately is your proposal, then the Board will not be  
7                   discussing what is it is seeing amongst itself in the  
8                   presence of the other parties, although we may well be  
9                   taking notes.

10                  And it goes without saying that whatever  
11                  notes the Board takes will not be available to the  
12                  parties or the public.

13                  MR. FREIDIN: No peeking.

14                  THE CHAIRMAN: And, as Mr. Freidin says,  
15                  no peeking.

16                  MS. MURPHY: Thank you. That is very  
17                  helpful, sir.

18                  Now, I would like to call Mr. Frank  
19                  Kennedy. As I mentioned, Mr. Kennedy is the guide and  
20                  I thought it would be useful for him to perhaps explain  
21                  the contents of this documentation.

22                  THE CHAIRMAN: Very well.

23                  Again, this is not evidence as far as the  
24                  Board is concerned, so we are not going to swear Mr.  
25                  Kennedy and it can obviously go on the transcript, but

1 anything that he is going to be alluding to will not be  
2 made exhibits either.

3 MS. MURPHY: That is fine. We will just  
4 give him a minute to move his map.

5 As I have advised, we have made available  
6 quite a short version of Mr. Kennedy's curriculum  
7 vitae. We wanted to indicate to the Board that Mr.  
8 Kennedy is qualified to act as guide on this site visit  
9 and I intend to ask about four questions about that.

10 And you are Frank Dougald Kennedy?

11 MR. KENNEDY: Yes, I am.

12 MS. MURPHY: And according to this  
13 information I understand you received your Bachelor of  
14 Science in Forestry from Lakehead University in 1976;  
15 is that correct?

16 MR. KENNEDY: That's correct.

17 MS. MURPHY: And in doing that, I assume  
18 you would have taken the normal courses of study that  
19 would allow you to receive that degree?

20 MR. KENNEDY: Yes, I have.

21 MS. MURPHY: Looking at the same page -  
22 and we won't go over the page - I understand from  
23 looking at that page that from 1977 to 1981, you acted  
24 as unit forester in the Dryden District; is that right?

25 MR. KENNEDY: That's correct.

1 MS. MURPHY: The document gives a very  
2 short description of the duties that you had at that  
3 time. Would you just advise whether that is accurate?

4 MR. KENNEDY: Yes, it is.

5 MS. MURPHY: And that those duties  
6 involved preparation of plans, performing field work,  
7 on-site surveys, various kinds of inspections?

8 MR. KENNEDY: Correct.

9 MS. MURPHY: The document then indicates  
10 that between 1981 and 1987 you were acting or formally  
11 the Forest Management Supervisor in the Dryden  
12 District?

13 MR. KENNEDY: That is correct.

14 MS. MURPHY: Again, the document sets out  
15 some of the duties that you had there and you would  
16 just indicate whether that information is accurate.

17 MR. KENNEDY: Yes, it is.

18 MS. MURPHY: Again, you were involved  
19 then in planning, you were involved in administrative  
20 duties and, altogether, from 1977 to 1987 you were  
21 actually working in the Dryden District for a total of  
22 about ten years. Is that about right?

23 MR. KENNEDY: Yes, it is.

24 MS. MURPHY: As part of your normal  
25 duties in whatever position you had during that ten

1 years, did your normal duties during that time ever  
2 involve conducting tours or site visits of the nature  
3 we are discussing today?

4 MR. KENNEDY: Yes, it did.

5 MS. MURPHY: Is that a normal part -- or  
6 was that a normal part of your duties?

7 MR. KENNEDY: Yes, it happened from time  
8 to time we are called upon to provide tours to both  
9 professional groups and groups in our senior variety of  
10 operations that we had going on in the Dryden District  
11 and that was rather frequent.

12 MS. MURPHY: I understand, for example,  
13 that you personally conducted tours from time to time  
14 involving senior staff from the Ministry of the  
15 Environment?

16 MR. KENNEDY: That is correct. I believe  
17 it was two occasions I was asked to take the senior  
18 staff from the Ministry of the Environment to view a  
19 number of operations similar to what we will be doing  
20 next week.

21 As recently as a year ago, we had some  
22 senior staff out from the Ministry of the Environment.

23 MS. MURPHY: And given that ten years,  
24 can you advise: Are you personally familiar with all  
25 of the areas being visited during this site visit?

1                   MR. KENNEDY: I am not personally  
2 familiar with all of the areas, no.

3                   MS. MURPHY: And what have you done to  
4 inform yourself about those specific areas that you  
5 don't have detailed knowledge of?

6                   MR. KENNEDY: What I have done in the  
7 last few weeks is to conduct our district offices and  
8 talk to the staff there and I have advised them to send  
9 me maps and records that they have on file to try and  
10 provide me with as much factual information as they can  
11 obtain at this point in order to relay that on to the  
12 Board during the visit next week.

13                  MS. MURPHY: And are the maps and records  
14 that you were given similar to the kinds of maps and  
15 records that you would be used to dealing with in your  
16 normal duties?

17                  MR. KENNEDY: Yes, they are.

18                  MS. MURPHY: I understand - and we will  
19 have a few other words to say about that - but I  
20 understand that you have also discussed in particular  
21 one matter with Mr. Castrilli and that in order to  
22 inform yourself you are going to take advantage of the  
23 name and the address that he's given you.

24                  MR. KENNEDY: Yes, Mr. Castrilli has  
25 provided me with the name and address of an individual

1       that will be able to assist me in locating the specific  
2       stops that he has requested to the Board.

3                   MS. MURPHY: I would submit then, Mr.  
4       Chairman, that Mr. Kennedy is qualified to act as guide  
5       on this site visit.

6                   THE CHAIRMAN: Well, he certainly appears  
7       qualified. Again, the information you are going to be  
8       presenting, Mr. Kennedy, will be of a factual nature  
9       only.

10                  MR. KENNEDY: Understood, Mr. Chairman.

11                  MS. MURPHY: I would ask you then to turn  
12       to the document Environmental Assessment Board's Site  
13       Visit Itinerary, that is the longer document that we  
14       provided to you.

15                  And I understand that you are the author  
16       of this document, Mr. Kennedy?

17                  MR. KENNEDY: Yes, I am.

18                  MS. MURPHY: Can you explain generally  
19       how this document was prepared after receiving  
20       instructions from the Board last week?

21                  MR. KENNEDY: Yes. After receiving  
22       instructions from the Board, I re-read the letters that  
23       the parties had submitted to the Board paying extra  
24       attention to the items that the Board had indicated an  
25       interest in seeing.

1                   Upon doing that, I mapped those locations  
2                   on a blank 1:250,000 scale working copy map, a map  
3                   similar to the map base that we had made available to  
4                   the parties earlier and used, as my working copy on  
5                   which to record information to assist me in putting  
6                   together an itinerary.

7                   Following the mapping exercise, I  
8                   contacted the district offices of MNR and asked for  
9                   specific maps and records of the individual locations  
10                  and asked them to provide some information to assist me  
11                  in gathering the factual data which we'll presenting  
12                  next week on those locations.

13                  For instance, we discussed specific site  
14                  locations with those staff members, possible landing  
15                  sites, the ease of access seeing as there is a number  
16                  of washouts on some of the roads that occurred just as  
17                  recently as last Wednesday and Thursday, possible  
18                  travel routes to and from the sites and within the  
19                  individual sites themselves and the time that would be  
20                  appropriate to spend on each one of the sites to see  
21                  the features that the Board had identified.

22                  In some cases I asked for suggestions  
23                  from the staff of what related features would be in the  
24                  area that would be of assistance to the Board that we  
25                  may be able to take in while we are on the site and

1 while we are in the air conducting flybys.

2 MS. MURPHY: Looking at -- excuse me.

3 MR. KENNEDY: Sorry, following that I  
4 began what I call the connect-the-dots exercise where I  
5 cut out different travel routes trying to make the best  
6 use of both the time we had available and still visit  
7 all the sites that the Board had indicated a desire to  
8 see, while keeping in mind such basic information as  
9 fuel locations and travelling time with the helicopter.

10 And as a result of all of that I was able  
11 to develop a tentative itinerary which essentially  
12 represents a basic flight plan that I will be filing  
13 with our fire centre in Dryden which will be monitoring  
14 our operation.

15 MS. MURPHY: And that is the basis for  
16 the information that is in this document?

17 THE CHAIRMAN: (To the reporter) Can you  
18 hear?

19 THE REPORTER: No.

20 THE CHAIRMAN: Mr. Kennedy, would you  
21 mind speaking up or pulling the microphone closer to  
22 you.

23 The reporter and the Board, I think, is  
24 having a little difficulty hearing.

25 MR. KENNEDY: Yes, and that forms the

1 basis of the information that I have included in the  
2 site visit itinerary.

3 MS. MURPHY: Fine, thank you. Would you  
4 just then look at the first two pages of the itinerary  
5 and would you agree that basically the first two pages  
6 are a reproduction of the original submission that was  
7 made to the Board with perhaps one significant change?

8 MR. KENNEDY: That's correct.

9 MS. MURPHY: And can you explain then -  
10 and I think you will find that change on page 2 under  
11 Item D - can you explain, first of all, the section on  
12 page 2 that deals with objectives and, in particular,  
13 explain the new item that is added in line D?

14 MR. KENNEDY: Yes. If we just briefly go  
15 through them there are four objectives that we put  
16 forward for the purpose of this particular site visit.

17 Number A is we are talking about allowing  
18 people to become familiar with the logistics of using  
19 helicopters. I have found on previous tours that I  
20 have conducted that it is helpful to spend a few  
21 minutes with all the members that would be present to  
22 become familiar with the seating arrangements in the  
23 helicopters, the use of the intercom and the earphones  
24 and just how to approach helicopters, in particular,  
25 and the safety aspect. Save that in mind for our first

1 day.

2 And our B part is to provide an aerial  
3 view of the infrastructure of the area surrounding  
4 Dryden, get an understanding of the type of community  
5 that is there, the mix of the landscape and the  
6 placement of parks and roads and rivers.

7 As I have indicated in the itinerary, I  
8 think this is important to give people an appreciation  
9 for the scale and identification of the common features  
10 which I think would be appreciated by those who may not  
11 have had a chance to view things from the air before  
12 and that will give them benefit in the following days  
13 to be able to relate to items on the ground that we  
14 will be pointing out.

15 Also one of our objectives is to provide  
16 an introduction to the boreal forest. Again, I thought  
17 this would be helpful to members that may not have had  
18 a chance to view some of the aspects of the boreal. So  
19 I am including such things as identification of tree  
20 species and aspects of the landscape, including things  
21 such as working groups -- pointing out from the air  
22 what a working group would look like, the different  
23 species involved in particular ones, as well as seeing  
24 the other aspects of the land forms along an  
25 infrastructure line such as the lakes and rivers et

1 cetera.

2                   This again I think is important because  
3 it is background information which is used as basic  
4 description -- in a basic description fashion for the  
5 stops that we will be following the days

6                   Our new item which I had included in here  
7 which I hadn't shown earlier is taking the Board's  
8 request to possibly have an FRI cruise. I have taken  
9 the initiative of arranging for that to occur during  
10 the site visit as I thought it would be a timely thing  
11 to do and we have arranged for a simulated cruise to  
12 take place, so I have now included this as one of the  
13 objectives.

14                  MS. MURPHY: Now, you and I haven't had a  
15 chance to see each other very much lately, Mr. Kennedy,  
16 but I understood that we had a little thing to add to  
17 this map that would indicate generally where that first  
18 day's flyby might occur.

19                  Do you still have that?

20                  MR. KENNEDY: Yes, we do. If I could  
21 just add this overlay map to the map which I have  
22 behind me.

23                  What is seen on the red x'ed line which I  
24 have shown on the map which is centered around Dryden  
25 with Vermilion Bay to the west - Dryden being here,

1 Vermilion Bay being to the west, which I use for  
2 orientation being this line on the map, is a circle  
3 route.

4 I have recorded here on page 2 of the  
5 handout a tentative route showing a small circle around  
6 Dryden which we would take and be able to see the  
7 features which I list at the bottom of the page. And  
8 with those particular features in mind, I hope we would  
9 be able to achieve the objectives that I mentioned at  
10 the top.

11 MS. MURPHY: And is it your suggestion  
12 that the simulated FRI cruise take place at some  
13 location during that circle tour?

14 MR. KENNEDY: Yes, it is. I haven't  
15 selected an actual plot location. The individual that  
16 will be leading us through the simulated cruise is one  
17 of the FRI cruisers from Dr. Osborn's group, and we  
18 will be meeting on Sunday afternoon coming up to review  
19 some of the maps in Dryden and some photographs in  
20 order to select an area where we can land the  
21 helicopters, identify a starting point for the cruise  
22 and work our way into a stand.

23 And I will be informing the Board of that  
24 location at our orientation session which we will be  
25 having in Dryden at two o'clock Monday.

1 MS. MURPHY: And are you able to advise,  
2 by the way, at this point what helicopters, how many,  
3 what size? Are you in a position to do that at this  
4 time?

5 MR. KENNEDY: At this particular point I  
6 am unable to do that. The reason is that the  
7 helicopters and, in fact, many of the staff in the  
8 northwest region are still involved in the fires,  
9 although there has been a turn of weather, and you can  
10 appreciate that on the fire line there is men and  
11 equipment including, hose lengths, tents, cooking  
12 supplies and all those kinds of things and helicopters  
13 are still being used for retrieval of that equipment.

14 And I have been in constant contact with  
15 our fire centre in Dryden and they have informed me  
16 that some of the helicopters have started to be  
17 released last weekend and they are anticipating some to  
18 be released this week as well and I have set up a date  
19 of what I call an upset time which is this afternoon  
20 when they will be able to indicate to us which machines  
21 we will have available for us and I will also be able  
22 to advise the Board of that information on Monday.

23 MS. MURPHY: Thank you. Would you then  
24 go back a page to page 3. I understand this takes us  
25 to the next day, July 19th, 1988.

1                   Can you explain generally what that page  
2    is meant to do?

3                   MR. KENNEDY: This page is what I would  
4    refer to as a basic flight plan of the areas that we  
5    would be able to visit. It includes information such  
6    as, on the left-hand side, an area designation for ease  
7    of reference, a location name, and a series of times;  
8    one showing the flyby time, the time which I feel would  
9    be necessary to spend flying in the helicopter taking  
10   an overview of the area.

11                  The next column shown is the stop time  
12   and that is the time that I propose that we try to  
13   allocate to ourselves to actually land on the ground  
14   and review the situation at hand.

15                  The travel time I have shown is simply  
16   the time to travel between the dots that I have shown  
17   on the maps and the time elapsed was a method I chose  
18   to keep a running total of the time that we would be  
19   spending in any one day.

20                  MS. MURPHY: And in this particular case  
21   the bottom line on time elapsed is 8 hours and 25  
22   minutes. Can you advise as to just how accurate you  
23   expect that projection to be?

24                  MR. KENNEDY: I don't expect it will be a  
25   very accurate projection when we are actually out

1 there. I believe there would be -- I think we would be  
2 wise to show some flexibility in the amount of time  
3 that we would spend on each spot, depending on the  
4 interest and, indeed, depending on the guide's ability  
5 to find the exact feature that has been identified.

6 I do suggest though that it was wise to  
7 attempt to fill a full eight-hour day to take advantage  
8 of our time there, as well as the availability of the  
9 equipment. So I have aimed to fill each day with eight  
10 hours' worth of stops but I anticipate we'll have to  
11 show some flexibility.

12 MS. MURPHY: And I understand that your  
13 plan also provides some additional flexibility in that  
14 the last stop on day one, if for some reason it  
15 couldn't be reached, is reachable as the first stop on  
16 day 2; is that correct?

17 And could you please explain it.

18 MR. KENNEDY: That's correct.

19 MS. MURPHY: The way in which I  
20 approached the connect-the-dots exercise is to always  
21 try and end up with a stop that is a flexible jone that  
22 you can bypass on the way back to town if need be just  
23 because of sheer time of being out or indeed if fuel  
24 requirements require that you return earlier than  
25 expected.

1                   In this way we were able to pick up stop  
2       No. 7 on July the 20th if we are unable to complete it  
3       on July 19th. I might add also under the area  
4       designation you will see that there is an asterisk and  
5       at the bottom of the sheet I have noted: See  
6       description sheets attached.

7                   In this case I have tried to key in the  
8       information that was contained in each one of the  
9       proposals that the parties had submitted to the Board  
10      and those sheets appear, I believe, starting on page 7  
11      the title sheet, so they are actually starting on page  
12      8 with Amesdale shown as Area 1.

13                  The MNR Group 17 designation that shows  
14       after the word Amesdale is in fact the group number  
15       that MNR used to identify the information on its  
16       original submission.

17                  So I thought that would be helpful to the  
18       Board and to all concerned to have the area referenced  
19       to the place names that I have shown in the first  
20       column and provide the details on the subsequent sheets  
21       that follow.

22                  THE CHAIRMAN: I take it it would be  
23       useful for us to bring along the original submission as  
24       well?

25                  MR. KENNEDY: You may wish to do so. I

1 attempted to pull out the actual locations that we will  
2 be seeing in terms of stops and flybys but I think  
3 there may be occasions where you may choose to refer to  
4 the original submissions as I believe there is some  
5 information we will be able to point out from the air,  
6 to cover off some of the suggested stops that other  
7 parties have indicated, where we won't be making a  
8 formal stop at.

9 So I think that it will be helpful to  
10 bring the original submissions.

11 MS. MURPHY: Now, again just staying with  
12 that page for one minute, you have numbered the areas  
13 on this page 1 to 7, and those numbers, you explain the  
14 numbers that are key to the description starting on  
15 page 8. Are they also keyed to that map that you have  
16 behind you?

17 MR. KENNEDY: Yes, they are. I have  
18 shown all of the stop locations on the map behind me  
19 which is the same scale map as I indicated earlier that  
20 we have handed out to the parties and, in fact, is the  
21 same base underneath the overlay which we have used in  
22 earlier discussions of the proposals.

23 MS. MURPHY: We would propose that that  
24 map could be taken and used to during the visit.

25 I was also thinking - and it might be

1 something you might like to consider, Mr. Chairman -  
2 that perhaps rather than reproduce copies of this map  
3 at this stage, if, after the visit is concluded, it  
4 would be possible to prepare something like this that  
5 shows actual rather than proposed. That would be of  
6 more interest to people who didn't attend the visit  
7 rather than the proposed.

8 THE CHAIRMAN: Yes, that sounds like a  
9 reasonable suggestion.

10 MS. MURPHY: So carrying on. Page 4  
11 basically sets out the same kind of information as was  
12 outlined on page 3 with respect to the Wednesday, July  
13 the 20th?

14 MR. KENNEDY: Yes, it does.

15 MS. MURPHY: And, again, on Thursday -  
16 which I don't believe is July 20th, the Thursday would  
17 be July 21st - again, that document sets out that  
18 information in the same format?

19 MR. KENNEDY: Yes, it does.

20 MS. MURPHY: Going over to page 8 then,  
21 Mr. Chairman. As Mr. Kennedy indicated, the  
22 information provided under area 1 and area 2 is a  
23 reproduction of the information that was given in the  
24 proposal and an asterisk is added by the areas that the  
25 Board specifically made mention of.

1                   I would also like to advise the Board  
2         with respect to area 3 and area 4, you will see that  
3         there is a note under area 3: Mr. Castrilli to confirm  
4         location and, as we advised earlier, Mr. Castrilli has  
5         provided a name to Mr. Kennedy. Mr. Kennedy will  
6         attempt to discuss this matter with that person and Mr.  
7         Castrilli has also advised me that he will be in  
8         Thunder Bay and reachable tomorrow to assist us, if we  
9         need that help.

10                  With respect to area 5 then - that's one  
11         of the areas that was referred to by the Northern  
12         Ontario Tourist Outfitters Association - and did you  
13         have any concerns or difficulties in finding those  
14         locations?

15                  MR. KENNEDY: Area 5, the Fluke Lake  
16         area, no, I had no difficulty in locating that. I did  
17         have a concern in that when we arrive there I am not  
18         sure what we will be able to observe.

19                  I believe that at this point the best  
20         that I can do is to ensure that we arrive at the stream  
21         crossing and refer to our notes that are here on this  
22         handout, and I believe that's the best we can do is  
23         providing factual information on that particular site.

24                  I have asked our district staff in Dryden  
25         to prepare for me some information on the timing of the

1 road going into the area and also to advise if they  
2 have any stream surveys or any observation reports that  
3 have been taken during spawning times. And I  
4 understand that information is en route at this time.

5 MS. MURPHY: Thank you. With respect to  
6 area 8, which is also an area that was proposed by the  
7 Northern Ontario Tourist Outfitters Association, could  
8 you advise whether you had any concerns or whether you  
9 have any additional proposals with respect to that  
10 particular area?

11 MR. KENNEDY: Yes. Area 8, I found  
12 rather difficult in preparing this, area 8 being the  
13 Cedar Narrows area.

14 On page 10 of the handout that we have  
15 given, I have reproduced the comments that NOTOA had in  
16 their original submission. The note at the bottom of 8  
17 is my note. By that note I am referring to the  
18 difficulty I had in wondering what we would do once we  
19 arrived on the scene.

20 I visualize flying over the area around  
21 Esox and Trout -- sorry, Esox Lake and the Manitou  
22 stretch and perhaps I will just indicate where it is on  
23 the map now for reference purposes.

24 MS. MURPHY: So you are indicating the  
25 bottom left-hand side of the map?

1                   MR. KENNEDY: Yes, the southwest corner  
2         of the map is No. 8 and I am pointing to where Cedar  
3         Narrows is, and I would indicate that Manitou Lake  
4         starts up here and progresses from upper Manitou to  
5         lower Manitou and then through an area that is known as  
6         the stretch, and Esox Lake I believe is simply a large  
7         bay off the Manitou Lake system and, indeed, Cedar  
8         Narrows is at the end of Esox Lake.

9                   MS. MURPHY: So the whole area is fairly  
10      large?

11                  MR. KENNEDY: It is fairly large and I am  
12      suggesting that on our travel from Dryden we will be  
13      able to travel in a southerly -- south/westerly  
14      direction and fly over a portion of the lake, perhaps  
15      starting at the, what is now the community -- defunct  
16      community of Gold Rock, and following the lake down and  
17      observe some of the tourist lodges around the lake  
18      which I believe NOTOA has indicated the number being  
19      15, proceed down and have a look at the lake itself and  
20      the access pattern.

21                  The difficulty that I had or the concern  
22      that I had was upon landing at the access point I  
23      wasn't sure if we would be able to illustrate the  
24      concern that NOTOA has had simply by looking over the  
25      lake and looking at the alleged fishing pressure that

1 has occurred there.

2                   This is one area in which I would ask the  
3 district, which is Fort Frances District involved, for  
4 their suggestions after they have briefed me on the  
5 type of situations that are there. They have made a  
6 number of suggestions and, from the discussions with  
7 them, I have a following suggestion to make to the  
8 Board as to how we could make best use of our time  
9 there and see features which are related to the concern  
10 that NOTOA has raised and I think would be of  
11 assistance to the Board and perhaps other parties at a  
12 later time if, indeed, NOTOA calls evidence on that  
13 area, which I understand was their intent from the  
14 letter which they submitted.

15                  So my suggestion would be to see the  
16 lakes involved, to have a look at the access point. We  
17 may not be able to land at that particular access point  
18 because of the nature of it being very busy at this  
19 time of year. We would have a look at it and land at  
20 another spot.

21                  The harvest pattern, that is the block  
22 pattern that has taken me -- that has occurred in the  
23 area, I believe, is part of the situation and I think  
24 it would be wise to have a look at that.

25                  The location of the various tourist

1 lodges, both in the manner that I described coming from  
2 Dryden, and also the other lodges that are in the area  
3 perhaps to the south and west, I believe, would be an  
4 area that we wouldn't have looked at otherwise. And  
5 look at the road locations which are in and adjacent to  
6 many of the lakes that have been mentioned in NOTOA's  
7 report -- sorry, NOTOA's submission.

8                 Also to have a look at the road-use  
9 management strategies that have been undertaken which I  
10 understand have been developed by Ministry of Natural  
11 Resources in consultation with the Ministry of Tourism  
12 and with local members of the public.

13                 Some of those road closure strategies  
14 include such things as berthing the road, putting large  
15 berms across it, digging out culverts and in fact  
16 ditching roads. Those are two methods that are often  
17 used to render a road unpassable and also there is  
18 another method that has chosen to be used in that part  
19 of our site visit tour, and that is to sign the roads  
20 for restricted travel.

21                 I have some factual information as to the  
22 nature of the signage and the nature of the time in  
23 which the road restrictions apply, and also some  
24 information about the type of road abandonment through  
25 the use of berms and dugouts that occurred.

1                   I believe looking at those items would  
2                   assist the Board in understanding the measures that  
3                   have gone on in that particular part of the province to  
4                   address the concerns raised by NOTOA.

5                   I think by viewing those specific  
6                   features I think would be helpful rather than having a  
7                   look at the lake on its own and then going on to the  
8                   next stop.

9                   MS. MURPHY: Would those various use  
10                  management strategies be referred to and dealt with in  
11                  evidence later by other panels?

12                  MR. KENNEDY: I believe that in general  
13                  the use management strategies will be developed --  
14                  sorry, will be discussed in later evidence panels. I  
15                  am not sure if they are using those as specific  
16                  examples, but certainly the consents of use management  
17                  strategies for roads and the various options that are  
18                  available and, indeed, how the options are selected  
19                  will be discussed by later panels.

20                  MS. MURPHY: Fine. If you would just  
21                  look then at area 9 and advise, is there any change,  
22                  however slight, at all between the original submission  
23                  from MNR called Group 3 and the way in which that  
24                  particular area is set out in this document?

25                  MR. KENNEDY: Yes, in area 9 -- excuse

1 me, on the other areas we have tried to record the  
2 information directly as it was submitted to the Board.  
3 In area 9 we have taken the liberty of showing under  
4 No. 4 a change in the numbering system.

5 The Board indicated a desire to see No. 4  
6 or No. 5 which were two different herbicide treatments.  
7 We are now showing them as optional, and I am  
8 discussing with the district which one is most easily  
9 accessible to us while we are in that location. So  
10 that is the change from the verbatim words that were  
11 submitted during the original proposal.

12 I might add that in the Snake Bay area we  
13 have arranged for a van to be on site, and the Snake  
14 Bay area - if I could point out on the map - I have  
15 shown the dock here which is roughly in the middle of  
16 the area that I would suggest we see. (indicating)

17 The Snake Bay area gets its name from the  
18 Snake Bay Road which goes through, the Snake Bay Road  
19 gets its name from the bay off of Stormy Lake which is  
20 here. (indicating) I am suggesting we would see an  
21 area, from this area and this location --

22 MS. MURPHY: Which is named what?

23 MR. KENNEDY: Which is Snake Bay on  
24 Stormy Lake. And I suggest we travel in that southerly  
25 and then easterly direction along that road to where

1 the new Bending Lake Highway has gone through. You see  
2 a variety of items in that area focusing on the stops  
3 which the Board has indicated a specific interest in.

4 So I have shown No. 9 in the middle of  
5 that area here. (indicating)

6 MS. MURPHY: Thank you. With respect to  
7 area 10, you have a note, and can you explain what that  
8 note is about?

9 That's on page 12, Mr. Chairman.

10 MR. KENNEDY: Yes, and first I will point  
11 out where areas 10 and areas 11 are on the map because  
12 I think it would be helpful to you to realize their  
13 placement on this map to understand the situation.

14 Area 10 is here just off of Highway 17 at  
15 a spot known as Raleigh which is a location on the  
16 railway line. And area 11 is here in an area that is  
17 near Dollar Lake. (indicating)

18 Area 10 was not one of the areas that the  
19 Board had selected. I have taken the liberty of  
20 including it and the reason I have is that on area 11 I  
21 had previously shown that there was current harvesting  
22 operations occurring in July of '88.

23 I understand now that the harvesting  
24 operations will not be occurring at that time and,  
25 indeed, the operation that was ongoing -- or that was

1       anticipated to be going at that time was cutting of a  
2       road right-of-way.

3                 I assumed that the Board had selected  
4       that stop to see a -- what I would describe a larger  
5       scale harvesting operations, larger than some of the  
6       small operations, one and two-men operations we would  
7       be seeing in Sioux Lookout.

8                 So I took the liberty of including area  
9       10, which is a larger scale operation which will be  
10      occurring at that time, and I have confirmed that there  
11      are men and equipment on site and it is on the way to  
12      stop No. 11. I think that would be a good -- I think  
13      it would be in fact the only opportunity to see a  
14      large-scale operation ongoing with the type of  
15      equipment described and still take advantage of  
16      completing a reasonable tour route.

17                MS. MURPHY: So that's noted on page 12,  
18      in a note under area 10 and then beside area 11 is the  
19      note that the first item is not available is referring  
20      to area 10?

21                MR. KENNEDY: That's correct. That's why  
22      I made those notations.

23                MS. MURPHY: And again following areas  
24      12, 13, 14 and 15, I understand are directly taken from  
25      the original submissions?

1 MR. KENNEDY: Yes, they are.

2 MS. MURPHY: And finally, Mr. Kennedy,  
3 before completing this document, is there any further  
4 information that you require from the parties in order  
5 to complete your flight plan?

6 MR. KENNEDY: Yes. In order to file the  
7 flight plan and to make the final arrangements I do  
8 need to obtain a list of the individual's names that  
9 will be accompanying us which is required -- which I  
10 require in order to file the flight plan.

11 I also would request that I have a  
12 contact phone number that I can deal with those people  
13 individually, if the need arises on the weekend, and  
14 indeed at the first parts of next week, if there are  
15 people that are not present on the Monday orientation  
16 session, I would like to keep them posted as to our  
17 progress through the week and ensure that we have a  
18 common understanding of where we will be meeting in the  
19 morning to ensure that we have the appropriate numbers  
20 to go on our visit.

21 MS. MURPHY: Mr. Mander has been helping  
22 us with this. I would suggest that -- we have a minor  
23 difficulty in that Mr. Edwards who was going to be in  
24 Thunder Bay this week and available, has been  
25 unavailable.

1                   My concern is that, as I understand, that  
2 both Mr. Edwards and Mr. Williams have some difficulty  
3 giving us specific names without looking at the  
4 itinerary. What I propose to do is to deliver to Mr.  
5 Williams and Mr. Edwards and the other parties to meet  
6 here -- deliver to Mr. Williams and Mr. Edwards, by the  
7 most expeditious way possible, a copy of that itinerary  
8 so that they can help us with providing those names and  
9 perhaps give us the contact person.

10                  Subsequently, I would also suggest - and  
11 I believe this was something that you were concerned  
12 about, Mr. Chairman - I thought it would be wise that  
13 we put the itinerary itself in the normal mail and send  
14 it to all people receiving full-time correspondence.  
15 Our concern of course now is the time frame, is just to  
16 make sure that the people who will actually be there  
17 get the appropriate information.

18                  THE CHAIRMAN: Yes, we understand that  
19 and we did impose a deadline on people who were going  
20 to attend or intending to attend to notify you so that  
21 you could make the logistical arrangements.

22                  So we were not concerned about the  
23 individual as opposed to the numbers and, of course,  
24 all the parties should be fitting in the individual's  
25 by name at this point in time.

1                   MR. KENNEDY: That's correct. At this  
2 point in time we require that information in order to  
3 complete the arrangements and, in fact, I should have  
4 it by Friday.

5                   THE CHAIRMAN: Right. Well, I do not  
6 think there will be any problem with counsel providing  
7 the phone numbers so that these individuals can be  
8 contacted over the weekend, if necessary. The Board  
9 will do likewise, so that you can contact any of us  
10 over the weekend as well.

11                  What I am saying though is that we do not  
12 expect other parties, in addition to the numbers that  
13 we know now of, to come forward and say we now want to  
14 be included, because that would not be fair I think to  
15 the Ministry in making its arrangements. We should  
16 have the overall numbers established at this point.

17                  Mr. Castrilli?

18                  MR. CASTRILLI: Mr. Chairman, with  
19 respect to areas 3 and 4 which appear at pages 8 and 9  
20 of the site visit itinerary, the individual's whose  
21 name I have given to Mr. Kennedy is someone who lives  
22 in that area and I would not otherwise expect that  
23 person to be in a helicopter.

24                  I advised Mr. Kennedy that these areas  
25 are -- I have been advised, they are only properly can

1       be examined by on the ground.

2                     THE CHAIRMAN: So that these people will  
3       be showing up at the approriate locations; is that the  
4       idea?

5                     MR. CASTRILLI: Well, I have left it to  
6       Mr. Kennedy to speak to this person to determine  
7       exactly where you will be arriving, so that I presume  
8       she can meet the group there. But I presume Mr.  
9       Kennedy will be doing that and so that will be sorted  
10      out that way.

11                  I have not advised this individual to  
12      expect to be in a helicopter as she has advised me that  
13      the only way to see areas 3 and 4 is on the ground.

14                  THE CHAIRMAN: All right. That's fine,  
15      bearing in mind that there has to be some flexibility  
16      in that the helicopter may not be able to land, for  
17      whatever reason, where it was intended to land and if  
18      she is waiting on the ground in one location and the  
19      helicopter is flying around and can't get down...

20                  MR. CASTRILLI: Well, I have advised Mr.  
21      Kennedy that her lodge is in the Ear Falls area. So  
22      that will give her some indication of where he might be  
23      landing or near where he might be landing and I presume  
24      that can be sorted out.

25                  MS. MURPHY: As I explained earlier, Mr.

1 Chairman, Mr. Kennedy did undertake to contact this  
2 person and get some information and what we have done  
3 is I spoke to Mr. Castrilli this morning. He did give  
4 me his telephone number in Thunder Bay, so that if  
5 there are any difficulties that can't be worked out, we  
6 can deal with him tomorrow.

7 THE CHAIRMAN: Okay. Well, the Ministry  
8 I am sure will do its best to get these logistical  
9 arrangements settled in a most satisfactory way.

10 MR. CASTRILLI: The only other question I  
11 had, Mr. Chairman, was just looking from the -- looking  
12 at the schedule for the days that we are going to be --  
13 or the day we are going to be or the Board is going to  
14 be in that area, areas 3 and 4, I presume Mr. Kennedy  
15 will be advising my contact person as to when the group  
16 is likely to be expected as well.

17 MS. MURPHY: Well, I think Mr. Kennedy  
18 did indicate that there has to be some flexibility, but  
19 I am certain --

20 THE CHAIRMAN: Once again, Mr. Castrilli,  
21 there has to be some flexibility because it may turn  
22 out on a particular stop that we want to stay longer or  
23 that we get there late, et cetera. You know, I  
24 think -- Mr. Kennedy, if you will certainly give Mr.  
25 Castrilli's person whatever information you have.

1                   There cannot be any guarantees, Mr.  
2                   Castrilli, unless the person is accompanying the Board  
3                   one hundred per cent of the time, they are with us as a  
4                   group, they will be there, but every effort will be  
5                   made to coordinate times of arrival with when that  
6                   person will be there.

7                   If something does not work out do not  
8                   come back to us at that point, because I think the  
9                   overall group times and logistical arrangements will  
10                  have be to be paramount.

11                  MR. CASTRILLI: As long as Mr. Kennedy  
12                  advises my contact person of that fact.

13                  THE CHAIRMAN: Yes. Advise that person  
14                  of that fact, the times may not be a hundred per cent  
15                  accurate, and the landing locations may not necessarily  
16                  be a hundred per cent as to what you anticipate. I  
17                  think things may have to change as we go along.

18                  Give her what information you have and  
19                  use your best efforts to coordinate.

20                  MR. KENNEDY: Yes. At this point in time  
21                  the specific landing locations have not been identified  
22                  for areas 3 or 4. I have now been able to receive some  
23                  information on the specifics of area No. 3 from our  
24                  district office and I believe there is -- I do believe  
25                  there is a reasonable landing chance there.

1                           Area No. 4, as Mr. Castrilli and I  
2                           discussed, is still -- the specific location is not  
3                           known to me and we are working towards getting that  
4                           information. At that time, I think we will be able to  
5                           do our best to determine that landing spot and act  
6                           accordingly of informing his contact person of the  
7                           location and the time that we would anticipate to be  
8                           there.

9                           THE CHAIRMAN: We will do our best.

10                          MR. CASTRILLI: That's fine, Mr.  
11                          Chairman. Thank you.

12                          MR. CASSIDY: Just for my own  
13                          clarification, Mr. Kennedy, is it prior that you  
14                          require the names of the individuals travelling as  
15                          representatives?

16                          MR. KENNEDY: Yes, it is.

17                          MR. CASSIDY: Fine, we will do that.

18                          MS. MURPHY: Unless there are further  
19                          questions, those are basically the destinations and the  
20                          information we have available.

21                          THE CHAIRMAN: I don't think -- just one  
22                          last thing, the insect repellant that you mention on  
23                          the list; is there any particular type that is  
24                          particularly good in this part of the world?

25                          MR. KENNEDY: Perhaps I shouldn't be

1 recommending brands. I would suggest to you that a  
2 brand that is known as Musk Oil I have found effective  
3 on occasions and I use it and it is perhaps one of your  
4 better choices.

5 THE CHAIRMAN: Okay, thank you. Anything  
6 further?

7 Mr. Castrilli?

8 MR. CASTRILLI: Mr. Chairman, I just have  
9 one or two other points. With respect to your ground  
10 rules, are the people accompanying the Board on this  
11 trip permitted to speak to the guide at any time?

12 THE CHAIRMAN: If we are with you in the  
13 same helicopter, if by speaking to the guide and asking  
14 questions we are sort of doing indirectly what we are  
15 not doing directly, I guess the answer is no.

16 In the sense that, if you want to speak  
17 to the guide separately -- in other words, what we are  
18 trying not to do is to have a bunch of the various  
19 parties putting forth their particular concerns and, in  
20 effect, abating evidence in the presence of the Board.  
21 That is not the purpose of this visit.

22 MR. CASTRILLI: I was strictly concerned  
23 about my person who won't be in the helicopter but who  
24 will be on the ground. It seems like the logistics  
25 there are better for that person to speak directly to

1 Mr. Kennedy.

2 THE CHAIRMAN: Yes. Well, they can  
3 certainly speak to Mr. Kennedy vis-a-vis some of the  
4 factual information you are going to be putting forward  
5 to the Board.

6 MR. KENNEDY: Mr. Chairman, I hope to  
7 obtain that factual information over the weekend and  
8 have the discussions where I would be aware of all the  
9 events that have taken place on those sites and to  
10 prepare a summary of the facts by themselves and be in  
11 a position to present that to the Board when we are  
12 able to be there at those particular sites.

13 I might add, in the helicopter while we  
14 are flying, we will each have a headset available to us  
15 and we will be able to -- the only way we will be able  
16 to communicate is by using the intercom system and  
17 that's activated by a button that's attached to your  
18 headset and the microphone that is also attached to the  
19 headset.

20 So indeed it is difficult, if not  
21 impossible, to converse back and forth in a quiet tone  
22 due to the level of noise in the machine and, in doing  
23 that, if we are in the position of using two  
24 helicopters, I have asked for permission to have a  
25 frequency assigned to us on our own Ministry of Natural

1 Resources radio, our FM radios, where we can  
2 communicate back and forth between our helicopters on a  
3 frequency that would be able to be monitored by others,  
4 but essentially we will have the free air traffic use  
5 of it.

6 THE CHAIRMAN: Okay. I think there has  
7 to be some flexibility in even those rules. And all we  
8 are saying is, you know the intent, you know the  
9 purpose why we are placing some of these restrictions  
10 on the conversation, and I think it would be wise, Mr.  
11 Castrilli, just to put it to your contact person on the  
12 basis that we are dealing only with factual things and  
13 nothing else.

14 MR. CASTRILLI: Two other points, Mr.  
15 Chairman. Will there be more detailed maps to  
16 cross-reference these stops with the stand maps we  
17 might see in a timber management plan?

18 MR. KENNEDY: It is not contemplated at  
19 this time, no. I think that the map that we prepare at  
20 the end that is 1:250,000 may be of assistance to you  
21 in that regard and I will do my best to make sufficient  
22 notes while we are on the tour to record the stop  
23 locations and to show those stop locations on the  
24 underlying map that's behind me now?

25 And I would suggest that we use that map

1 for the Chairman -- or the Chairman may wish to use  
2 that map to submit as part of the official record of  
3 the events.

4 THE CHAIRMAN: Right. And, as you are  
5 aware, under Rule 39 of the Board's Rules of Practice,  
6 we normally will state for the record where we went and  
7 who accompanied the Board and those types of factual  
8 information with respect to the visit itself.

9 So that map will be very helpful I think  
10 at the end of the actual visit because it will depict  
11 where we have been as opposed to where we propose to  
12 go.

13 MR. CASTRILLI: Mr. Chairman, my final  
14 point: Will the timber management plans be available  
15 for all of the relevant stops?

16 MR. KENNEDY: I would like to advise that  
17 the carrying capacity of the helicopters are limited,  
18 and the difficulty of referring to documentation such  
19 as that is precluded any thought of bringing it with  
20 us.

21 Indeed, the maps that I will be using  
22 will be limited from previous experiences that I have  
23 had. It is very difficult to unfold maps and to  
24 observe out the window at the times that you are there.  
25 So I would suggest that it is impractical to bring the

1 timber management plans along with us.

2 THE CHAIRMAN: Mr. Castrilli, I do not  
3 think that we will require that the plans be there at  
4 the time of this visit. It is just basically a general  
5 observation of various areas and activities.

6 MR. CASTRILLI: That's fine. Thank you,  
7 Mr. Chairman.

8 THE CHAIRMAN: Thank you, Ms. Murphy.

9 MS. MURPHY: Thank you, Mr. Chairman.

10 THE CHAIRMAN: Thank you, Mr. Kennedy.

11 We will break for ten minutes and just  
12 settle this one outstanding matter with this  
13 undertaking. Please expedite your discussion in that  
14 regard and if you need some help, we will come in and  
15 settle it for you.

16 Thank you.

17 ---Recess taken at 11:48 a.m.

18 ---Upon resuming at 12:00 p.m.

19 THE CHAIRMAN: Thank you, be seated.

20 Who wants to lead off?

21 MR. FREIDIN: It looks like I can.

22 MR. CASTRILLI: What we have done is we  
23 have taken the three undertakings and we have collapsed  
24 them into two and we have changed them slightly and Mr.  
25 Freidin has the wording for the two undertakings now.

1           So he will simply read that into the record.

2           MR. MARTEL: Mr. Tuer will be glad that  
3       we got these straightened out.

4           MR. CASTRILLI: I won.

5           MR. FREIDIN: I am going to do the first  
6       one and Mr. Kennedy is going to read the second one  
7       because I am not too sure of one little part of it.

8           THE CHAIRMAN: Okay.

9           MR. FREIDIN: So the first undertaking  
10      which has been agreed to was originally -- first of  
11      all, request No. 1 on the document that you had, if you  
12      have still got it, you can stroke it out.

13           THE CHAIRMAN: So done.

14           MR. FREIDIN: All right. And request No.  
15      2 you can actually use the document you have got there  
16      and there is just a minor change to sub and sub C.

17           In sub B: If you take the words "third  
18      party operators" in the third line of B and replace  
19      them with the words "licensees other than the forest  
20      management agreement holder".

21           And in C(2): remove the same words "third  
22      party operators" and replace them by the same words  
23      "licensees other than the forest management agreement  
24      holder".

25           Now, Mr. Kennedy, so I don't slip up on

1           number -- the next one, you do it.

2           MR. KENNEDY: Request No. 2: Provide  
3           since 1980 on a working group or forest unit basis the  
4           MAD or AAC, the planned harvest area and the actual  
5           harvest area, and the associated volume estimates for  
6           the MAD area or AAC area, for the planned area, and for  
7           the actual area.

8           Area figures will be provided by working  
9           group or forest unit; volume figures provided will be  
10          by species. The balance of this description --

11          THE CHAIRMAN: Just a second, just hold  
12          on. After working unit, what? Harvest figures  
13          provided by what -- sorry, volume figures to be  
14          provided...?

15          MR. KENNEDY: By species.

16          MR. FREIDIN: And that remains -- and the  
17          rest of it you still have the word "for" at the end of  
18          all the things you have just written, and sub A and sub  
19          B remain the same.

20          THE CHAIRMAN: Okay. That is it?

21          MR. FREIDIN: That is it.

22          MR. CASTRILLI: Mr. Chairman, Mr. Kennedy  
23          has advised that with respect to what is now  
24          undertaking No. 2, he will either try to provide on a  
25          management unit by management unit basis or he'll

1 provide what I believe he described as a management  
2 unit history sheet. Is that correct?

3 MR. FREIDIN: Is that right, Mr. Kennedy?

4 MR. KENNEDY: Yes, it is.

5 THE CHAIRMAN: Okay, Mr. Freidin, I hate  
6 to put you through this, but I want the whole  
7 undertaking to go onto the record because some people  
8 will not have this sheet or may not be able to relate  
9 to it and some people will just be looking at the  
10 transcript.

11 So could you...

12 MR. FREIDIN: We will do it, we will type  
13 it up and give it to Mr. Mander.

14 THE CHAIRMAN: Well, the unfortunate  
15 thing is that it is not on that record. So what I am  
16 asking is: can you just read off the entire thing  
17 quickly--

18 MR. FREIDIN: Sure.

19 THE CHAIRMAN: --so it gets on the  
20 record--

21 MR. FREIDIN: Oh, all right.

22 THE CHAIRMAN: --in its entire form so  
23 people do not have to flip back between pages.

24 MR. FREIDIN: All right. The first  
25 undertaking is as follows:

1                   Sub A: Provide the area of declared  
2 surplus on all forest management agreements since 1980.

3                   Sub B: Provide the area on all forest  
4 management agreements of the licences issued on the  
5 declared surplus area to licensees other than the  
6 forest management agreement holder.

7                   Sub C: Provide volume harvested on all  
8 forest management agreements (by species) broken down  
9 into sub (i) amount harvested by prime licensee (re:  
10 forest management agreement holder); (ii): amount  
11 harvested by licensees other than the forest management  
12 agreement holder. Time required for that four months.

13                  The second undertaking that we had agreed  
14 to was to provide since 1980, on a working group or  
15 forest unit basis, the MAD or AAC area.

16                  THE CHAIRMAN: Can you just define that?

17                  MR. FREIDIN: All right. The maximum  
18 allowable depletion/annual allowable cut area, the  
19 planned harvest area, and the actual harvest area and  
20 the associated estimated volume of all of those areas.  
21 The areas will be described by working group or forest  
22 unit and the volume information will be provided by  
23 species.

24                  All of this information will be provided  
25 for sub A: Plans produced under the new Timber

1       Management Planning Manual; sub (i) of that: Plans  
2       approved for implementation, April, 1987; (ii): plans  
3       approved for implementation April, 1988; and sub B: All  
4       plans for Forest management agreement areas since 1980.

5                     The time estimate for producing that  
6       information, the final date is October 15th, 1988.

7                     THE CHAIRMAN: Thank you, Mr. Freidin.  
8       That is agreeable, Mr. Castrilli?

9                     MR. CASTRILLI: Yes, Mr. Chairman.

10                  THE CHAIRMAN: Very good. Ladies and  
11       gentlemen, just one short announcement.

12                  During the time of next week when the  
13       Board is on its site visit, and the following two weeks  
14       when the Board will not be sitting; that is, the last  
15       week of July and the first week of August, we have  
16       arranged for the Board's public viewing room to  
17       nevertheless be open during those three weeks during  
18       the hours 11:0 a.m. through 7:00 p.m. with the  
19       exception of the Fridays when the office will close at  
20       about 5:00 p.m.

21                  That is to facilitate parties who wish to  
22       do some work during the downtime and members of the  
23       public who wish to view any of the documentation at  
24       that time.

25                  Thank you. We will see some of you next

1 week. Enjoy the long vacation for those of you who  
2 will not be back. We will see you in the second week  
3 of August.

4 Thank you.

5 ---Whereupon the hearing adjourned at 12:12 p.m., to  
6 reconvene on Monday, August 8th, 1988, commencing at  
7 1:00 p.m.

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